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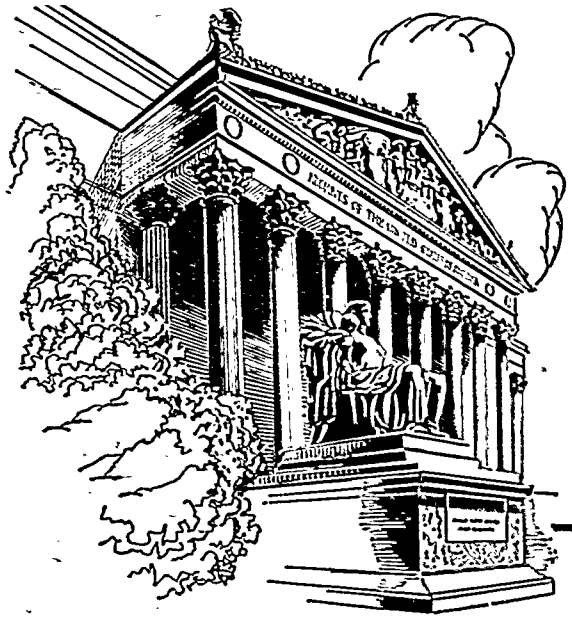

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Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 705—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222, 30 F.R. 6469; 3 CFR, 1965 Supp., and Title 5, Part 735 of the Code of Federal Regulations, Part 705 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 705 issued under E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.

§ 705.735–1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the U.S. Commission on Civil Rights (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101–735.102, 735.201a, 735.202 (a), (d), (e), (f)–735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.404–735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 705.735–2 Statements of employment and financial interests.

(a) Employees of the Commission in the following named positions are required to submit statements of employment and financial interests:

(1) The Staff Director.
(2) The Deputy Staff Director.
(3) The Division Heads.
(4) The Executive Officer of the Commission.
(5) Special Assistants to the Staff Director.

(b) A statement of employment and financial interests is not required under this part from Members of the Commission. Members of the Commission are subject to 3 CFR 100.735.31 and are required to file a statement only if requested to do so by the Counsel to the President.

(c) Notwithstanding the filing of the annual supplementary statement required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of section 208 of Title 18, United States Code or the regulations in this part or adopted under § 705.735–1.

§ 705.735–3 Employee's complaint on filing requirement.

Any employee who thinks that his position has been improperly included under these regulations as one requiring the submission of a statement of employment and financial interest shall have the opportunity for review of his complaint through the Commission's grievance procedure.

§ 705.735–4 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be submitted to and reviewed by the General Counsel, except that the statement of the General Counsel shall be submitted to and reviewed by the Staff Director. When a review indicates a conflict between the interests of an employee or special Government employee of the Commission and the performance of his services for the Government, the reviewing official shall have the indicated conflict brought to the attention of the employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If, in the case of a statement (other than a statement of the Staff Director) reviewed by the General Counsel, the indicated conflict cannot be resolved, the General Counsel shall forward a written report on the indicated conflict to the Staff Director through the Counselor for the Commission designated under 5 CFR 735.105(a). Should a conflict be indicated in a statement of the Staff Director or the General Counsel, and the conflict cannot be resolved, the reviewing official shall forward a written report on the indicated conflict to the Chairman of the Commission.

§ 705.735–5 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 705.735–1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;
(b) Divestment by the employee or special Government employee of his conflicting interest; or
(c) Disqualification for a particular assignment.

§ 705.735–6 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 705.735–7 Outside employment and other activity.

An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who wishes to engage in outside employment shall first obtain the approval, in writing, of the Staff Director or his designee.

§ 705.735–8 Miscellaneous statutory provisions.

All employees and special Government employees of the Commission are subject to the prohibition on disclosure of evidence taken in executive session contained in section 102(g) of the Civil Rights Act of 1957, 71 Stat. 634, as amended by the Civil Rights Act of 1964, 78 Stat. 241; 42 U.S.C. 1975a(g).

§ 705.735–9 Specific provisions of Commission regulations governing special Government employees.

(a) Special Government employees of the Commission shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 705.735–1, except 5 CFR 735.203(b).

(b) Special Government employees of the Commission may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 705.735–6.

This revision of Part 705 was approved by the Civil Service Commission on September 14, 1967.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

JOHN A. HANNAH,
Chairman.

[F.R. Doc. 67-12397; Filed, Oct. 19, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-WE-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Revocation of Transition Area

On August 16, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11803) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of V-4, V-8 south alternate, V-148 and V-220 associated with the relocation of Thurman, Colo., VOR.

Subsequent to publication of the notice it was determined that no change to V-220 would be necessary.

Concurrently with these actions, it was proposed to realign V-19 from Kiowa, Colo., direct to Denver, Colo., and to revoke the Thurman transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as hereinafter set forth.

Section 71.123 (31 F.R. 15531, 32 F.R. 3219, 7251, 7588, 7589, 47, 16200, 15796, 7652) is amended as follows:

1. In V-4 "12 AGL Thurman, Colo.; 17 miles, 12 AGL, 33 miles, 65 MSL, 12 AGL Goodland, Kans.;" is deleted and "12 AGL INT Denver 103° and Thurman, Colo., 275° radials; 12 AGL Thurman, Colo.; 50 miles, 65 MSL, 12 AGL Goodland, Kans." is substituted therefor.

2. In V-8 "12 AGL Denver, Colo.; 12 AGL Akron, Colo.; including a 12 AGL south alternate via Denver 101° and Akron 238° radials; 12 AGL Hayes Center, Nebr., including a 12 AGL north alternate via INT Akron 063° and Hayes Center 276° radials and also a 12 AGL south alternate via INT Akron 094° Hayes Center 245° radials; 12 AGL Grand Island, Nebr.;" is deleted and "12 AGL Denver, Colo.; 12 AGL Akron, Colo.; including a 12 AGL south alternate via Denver 103° and Akron 242° radials; 12 AGL Hayes Center, Nebr., including a 12 AGL north alternate via INT Akron 063° and Hayes Center 276° radials and also a 12 AGL south alternate via INT Akron 094° and Hayes Center 246° radials; 12 AGL Grand Island, Nebr.," is substituted therefor.

3. In V-19 "12 AGL INT Kiowa 005° and Denver, Colo., 101° radials;" is deleted.

4. In V-148 "12 AGL Kiowa; 12 AGL Thurman, Colo.; 17 miles, 12 AGL, 47 miles, 65 MSL, 12 AGL Hayes Center, Nebr.;" is deleted and "12 AGL Kiowa; 12 AGL Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; 12 AGL Hayes Center, Nebr.;" is substituted therefor.

Section 71.181 (32 F.R. 2260) is amended as follows: Thurman, Colo., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-12437; Filed, Oct. 19, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SO-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On August 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11882) stating that the Federal Aviation Administration was considering raising the floor of V-70 between Picayune, Miss., and Greene County, Miss., from 1,200 feet AGL to 9,500 feet MSL.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. At the time of publication of the notice of proposed rule making, V-70 was specified as a preferred route between New Orleans, La./Houston, Tex., and several cities in the eastern portion of the United States. The National Business Aircraft Association (NBAA) objected to the blockage of a preferred route. The NBAA advised their objection could be considered withdrawn if the preferred route were changed from V-70 to V-20. Such action was taken effective October 12, 1967. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 7, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows: In V-70 "12 AGL Greene County, Miss.," is deleted and "95 MSL Greene County, Miss.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-12438; Filed, Oct. 19, 1967; 8:49 a.m.]

[Airspace Docket No. 66-AL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Alteration of Federal Airways, Revocation and Designation of Transition Areas and Reporting Points

On July 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10309) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would realign colored Federal airways Green 8, Red 40, Red 99, and Blue 27; revoke Blue 65; revoke Rocky Point, Alaska, and Kukaklek, Alaska, transition areas; designate Big Mountain, Alaska, transition area; revoke Rocky Point, Kukaklek, and Anchor Point, Alaska, low altitude reporting points and designate Big Mountain low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as hereinafter set forth.

1. In § 71.103 (32 F.R. 2006) G-8 is amended by deleting all before "INT of the northeast course of the Kenai RR and a line bearing 266° from the Anchorage, Alaska, RR;" and substituting "From King Salmon, Alaska, RR via Big Mountain, Alaska, RBN; Homer, Alaska, RR; Kenai, Alaska, RR;" therefor.

2. Section 71.107 (32 F.R. 2007) is amended as follows:

a. In R-40 "the Shuyak, Alaska, RBN;" is deleted.

b. R-99 is amendd to read:

R-99 From Big Mountain, Alaska, RBN via Iliamna, Alaska, RBN; to the INT of Iliamna RBN 145° and Big Mountain RBN 080° bearings.

3. Section 71.109 (32 F.R. 2007) is amended as follows:

a. B-65 is revoked.

b. In B-27 all before "King Salmon RR;" is deleted and "From Kodiak, Alaska, RR via the INT of Kadiak RR 270° bearing and the southeast course of the King Salmon, Alaska, RR;" is substituted therefor.

4. Section 71.181 (32 F.R. 2148) is amended as follows:

a. Big Mountain, Alaska, is added.

BIG MOUNTAIN, ALASKA.

That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

b. Kukaklek, Alaska, and Rocky Point, Alaska, are revoked.

5. Section 71.211 (32 F.R. 2287) is amended as follows:

a. Big Mountain, Alaska, RBN is added.

b. Anchor Point INT:, Kukaklek INT:, and Rocky Point INT: are deleted.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-12439; Filed, Oct. 19, 1967; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8446; Amdt. 562]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1967.							

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305'; Fac. Class., MHW; Ident., LOR; Procedure No. 3, Amdt. 2; Eff. date, 25 Dec. 65; Sup. Amdt. No. 1, Dated, 27 Nov. 65

HSV VOR	CWH RBn	Direct	2000	T-dn	200-1	200-1	200-½
Owens Int	CWH RBn	Direct	2000	C-dn	500-1	500-1	500-1½
Bluff City Int	CWH RBn	Direct	2000	S-dn-18R*	500-1	500-1	500-1
DCU VOR	CWH RBn	Direct	2000	A-dn	800-2	800-2	800-2
Tanner Int	CWH RBn	Direct	2000				
Bethel Int	CWH RBn	Direct	2000				

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of Capshaw RBn.
Minimum altitude over Capshaw RBn on final approach crs, 2600'.
Crs and distance, Capshaw RBn to airport, 179°—7.3 miles; OM to airport, 179°—4.3 miles; LMM to airport, 179°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing CWH RBn, climb to 2600' on crs, 179° from CWH RBn within 20 miles or, when directed by ATC, turn right, climb to 2600', return to CWH RBn, enter holding pattern.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—3000'; 180°-270°—2000'; 270°-360°—2000'.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County (New); Elev., 629'; Fac. Class., MHW; Ident., CWH; Procedure No. NDB(ADF) Runway 18R, Amdt. Orig; Eff. date, 11 Nov. 67

LMT VOR	LFA RBn	Direct	6500	T-dn%	200-1	200-1	200-½
Mount Dome VHF Int	LFA RBn	Direct	7500	C-dn	1600-1	1600-1	1600-1½
				A-dn	1600-2	1600-2	1600-2

Radar available.
Procedure turn S side of crs, 139° Outbnd, 319° Inbnd, 7500' within 10 miles of LFA RBn. Final approach crs, 319° from LFA RBn.
Minimum altitude over LFA RBn on final approach crs, 7000'; over LMM, 5700'.
Crs and distance, LFA RBn to airport, 319°—10.5 miles; MT LMM to airport, 319°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MT LMM, turn left, climb direct to LFA RBn, continue climb to 7500' on 139° bearing from LFA RBn within 10 miles of LFA RBn.
CAUTION: High terrain all quadrants.
%Takeoffs all runways: Climb via LMT ILS localizer SE crs/LMT VORTAC, R 140° to 6000', then turn right heading 256° to intercept and proceed via LMT VOR R 162° to cross the LMT VOR at or above 7000'; westbound V122, 6000'.
%200-½ authorized only on Runway 14. 300-1 required Runway 32. 500-1 required Runways 7, 25 and 19, 36.
MSA within 25 miles of facility: 000°-090°—8300'; 090°-360°—9300'.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., LMM; Ident., MT; Procedure No. NDB(ADF) Runway 32, Amdt. 5; Eff. date, 9 Nov. 67; Sup. Amdt. No. ADF 2, Amdt. 4; Dated, 2 Oct. 65

Hurt Int	Evington RBn (final)	Direct	2900	T-dn-6 and 3‡	500-1	500-1	500-1
Goose Int	Evington RBn	Direct	3000	T-dn-35, 24, 21, and 17.	300-1	300-1	200-½
Lynchburg VOR	Evington RBn	Direct	2900				
Sweetbriar Int	Evington RBn	Direct	3000	C-dn%	700-1	700-1	700-1½
Sycamore Int	Evington RBn (final)	Direct	2900	S-dn-3%	600-1	600-1	600-1
Concord Int	Evington RBn	Direct	3000	A-dn%	800-2	800-2	800-2
Moneta Int	Evington RBn	Direct	3000	If OM received, the following minimums apply:			
Elon Int	Evington RBn	Direct	3000	S-dn-3%	600-1	600-1	600-1

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2900' within 10 miles.
Minimum altitude over Evington RBn on final approach crs, 2900'.
Crs and distance, facility to airport, 032°—7.2 miles.
Distance to approach end of runway at OM—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing EVI RBn, make immediate left-climbing turn to 2900' direct to Evington RBn. Hold SW of Evington RBn, 032° Inbnd, 1-minute right turns. Alternate missed approach for VOR/DME equipped aircraft within 7.2 miles after passing EVI RBn, climb to 3500' direct to Monroe Int, hold N, 207° Inbnd, 1-minute left turns.
NOTE: Procedure turn not required if Hurt Int or Sycamore Int is received.
‡CAUTION NOTE: Runways 6 and 3: 1350' terrain, 1.5 miles NE of airport.
%Circling and straight-in ceiling minimums increased 200', visibility requirement increased ½ mile, and alternate minimums not authorized when control zone not effective. Use Roanoke altimeter.
MSA within 25 miles of facility: 000°-090°—5000'; 090°-180°—3100'; 180°-270°—4000'; 270°-360°—6200'.

City, Lynchburg; State, Va.; Airport name, Lynchburg Municipal-Preston Glenn Field; Elev., 942'; Fac. Class., MHW; Ident., EVI; Procedure No. NDB(ADF) Runway 3, Amdt. 5; Eff. date, 9 Nov. 67; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 16 Oct. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MEI VORTAC	LOM (HW)	Direct	2000	T-fn	300-1	300-1	200-½
Stratton Int	LOM (HW)	Direct	2000	C-dn	600-1	600-1	600-1½
Decatur Int	LOM (HW)	Direct	2000	S-dn-1*	600-1	600-1	600-1
Newton Int	LOM (HW)	Direct	2000	A-dn	800-2	800-2	800-2
Rose Hill Int	LOM (HW)	Direct	2000				
EWA VOR	LOM (HW)	Direct	2000				

Radar available.
Procedure turn S side of crs, 186° Outbnd, 006° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 006°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn left, climb to 2000' on crs, 300° within 15 miles or, when directed by ATC, turn left, climb to 2000' on crs, 360° within 15 miles.
NOTE: Takeoffs with less than 200-½ not authorized on Rrunways 5 and 23. No approach lights. Overrun lights and high-intensity runway lights only on Runways 1-19. Runways 9-27 closed.
CAUTION: Trees 600', 2 miles E of airport. 1000' tower, 2.5 miles E or airport. 880' tower, 4.2 miles SE of airport.
*Reduction below ¾ mile (RVR 4000') not authorized.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1900'; 180°-270°—1700'; 270°-360°—2000'.

City, Meridan; State, Miss.; Airport name, Key Field; Elev., 297'; Fac. Class., HW/LOM; Ident., ME; Procedure No. NDB(ADF) Runway 1, Amdt. 10; Eff. date, 11 Nov. 67; Sup. Amdt. No. ADF 1, Amdt. 9; Dated 12 Mar. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AM LOM	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-½
ARO VOR	AMA VOR	Direct	5000	C-dn	600-1	600-1	600-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 4600'.
Crs and distance, facility to airport, 210°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5000' on R 210° within 15 miles or, when directed by ATC, turn left, climb to 5000' on R 076° within 15 miles.
CAUTION: 3764' grain elevator located adjacent to SW boundary of airport.
*Runway 21: 400-¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-180°—4900'; 180°-270°—5300'; 270°-360°—5000'.

City, Amarillo; State, Tex.: Airport name, Amarillo AAF/Municipal; Elev., 3605'; Fac. Class., H-BVORTAC; Ident., AMA; Procedure No. VOR Runway 21, Amdt. 13; Eff. date, 11 Nov. 67; Sup. Amdt. No. VOR 1, Amdt. 12; Dated, 8 May 65

Litchfield VOR	Jonesville Int (final)	Direct	2700	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn not authorized. Final approach crs, 137° Inbnd from LFD VOR.
Minimum altitude over Jonesville Int on final approach crs, 2700'.
Crs and distance, Jonesville Int to airport, 137°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Jonesville Int, make left turn, climb to 2700' and return to Jonesville Int.
NOTES: (1) Use Jackson altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—2500'; 180°-270°—2400'; 270°-360°—2600'.

City, Hillsdale; State, Mich.; Airport name, Hillsdale Municipal; Elev., 1182'; Fac. Class., L-BVORTAC; Ident., LFD; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 9 Nov. 67

SVM VORTAC	Brighton Int (final)	Direct	2600	T-d	300-1	300-1	300-1
				C-d	600-1	600-1	600-1½
				S-d-31	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn S side of crs, 131° Outbnd, 311° Inbnd, 2600' within 10 miles of Brighton Int.
Minimum altitude over Brighton Int on final approach crs, 2600'.
Crs and distance, Brighton Int to airport, 311°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Brighton Int, climb to 2900' and proceed direct to Fowler Int via SVM, R 311°.
NOTES: (1) Use Flint, Mich., altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°-180°—2800'; 180°-270°—2500'; 270°-360°—2600'.

City, Howell; State, Mich.; Airport name, Livingston County; Elev., 943'; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR Runway 31, Amdt. Orig.; Eff. date, 9 Nov. 67

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	200-1	200-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 090°—7.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles after passing DCU VOR, turn right, climb to 2600', return direct to DCU VOR, enter holding pattern or, when directed by ATC, turn right, climb to 2600', proceed out S crs, HSV ILS to Bluff City Int, enter holding pattern.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2600'; 180°-270°—2300'; 270°-360°—2000'.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County (New); Elev., 629'; Fac. Class., VOR; Ident., DCU; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 11 Nov. 67

GRR VOR	Maple River Int	Direct	2300	T-dn	200-1	200-1	200-1
LAN VOR	Maple River Int	Direct	2400	C-d	500-1	500-1	500-1½
Orleans Int	Maple River Int	LAN, R 320° GRR, R 065°.	2400	C-n	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 2400' within 10 miles of Maple River Int.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 245°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Maple River Int, make right turn, climb to 2500' and return to Maple River Int.
NOTES: (1) Use Grand Rapids, Mich., altimeter setting. (2) Dual VOR receivers required.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2400'; 180°-270°—2200'; 270°-360°—2200'.

City, Ionia; State, Mich.; Airport name, Ionia County; Elev., 816'; Fac. Class., L-BVOR; Ident., GRR; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 9 Nov. 67

				T-dn%	200-1	200-1	200-½
				C-dn	1900-1	1900-1	1900-1½
				A-dn	1900-2	1900-2	1900-2
				OM/138° 6.6-mile Radar Fix minimums:			
				C-dn	1200-1	1200-1	1200-1½

Radar available.
Shuttle descent to 8000' on a 1-minute right turn holding pattern W of LMT VOR on R 256°.
Procedure turn S side of crs, 141° Outbnd, 321° Inbnd, 7500' within 10 miles.
Minimum altitude over OM/138°—6.6-mile Radar Fix on final approach crs, 6000'.
Crs and distance, OM to airport, 319°—5.8 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile of LMT VOR, turn left, climb to 7500' on R 256° of LMT VOR within 10 miles. All maneuvering N of R 256°.
CAUTION: High terrain all quadrants.
% 200-½ authorized only Runway 14. 300-1 required Runway 32. 500-1 required Runways 7/25 and 18/36.
%Takeoffs all runways: Climb via LMT localizer SE crs/LMT VOR, R 140° to 6000', then turn right heading 256° to intercept and proceed via LMT VOR, R 102° to cross LMT VOR at or above 7000'; westbound V-122, 6000'.
MSA within 25 miles of facility: 000°-090°—8300'; 090°-180°—7600'; 180°-360°—8300'.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 9 Nov. 67

PROCEDURE CANCELED, EFFECTIVE 9 NOV. 1967.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. VOR-32, Amdt. 5; Eff. date, 16 Oct 65; Sup. Amdt. No. 4; Dated, 2 Oct. 65

Hurt Int	Lynchburg VOR (final)	Direct	2200	T-dn-6 and 3°	500-1	500-1	500-1
				T-dn-35, 24, 21, and 17.	200-1	200-1	200-½
				C-dn%	700-1	700-1	700-1½
				S-dn-3%	500-1	500-1	500-1
				A-dn%	800-2	800-2	800-2

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 025°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LYH VOR, make a left-climbing turn to 2900'. Hold SW of Lynchburg VOR, R 205°, 1-minute right turns. Alternate missed approach for DME equipped aircraft: Within 4 miles after passing LYH VORTAC, climb to 3500' direct to Monroe Int, hold N, 207° Inbnd, 1-minute left turns.
NOTE: If Hurt Int is received procedure turn not required.
*CAUTION NOTE: Runways 6-3—1350° terrain, 1.5 miles NE of airport.
%Circling and straight-in ceiling minimums increased 200', visibility requirement increased ½ mile, and alternate minimums not authorized when control zone not effective. Use Roanoke altimeter.
MSA: 000°-090°—4600'; 090°-180°—2100'; 180°-270°—3100'; 270°-360°—5300'.

City, Lynchburg; State, Va.; Airport name, Lynchburg Municipal-Preston Glenn Field; Elev., 942'; Fac. Class., L-BVORTAC; Ident., LYH; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 9 Nov. 67; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 29 Jan. 65.

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1967.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331'; Fac. Class., H-BVORTAC; Ident., MEM; Procedure No. VOR Runway 17, Amdt. 3; Eff. date, 29 Apr. 67; Sup. Amdt. No. VOR Runway 17, Amdt. 2; Dated, 4 Feb. 67

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 080°, SVM VOR clockwise	SVM, R 170°	Via 7-mile DME Arc.	2500	T-dn	300-1	300-1	300-1
R 300°, SVM VOR counterclockwise	SVM, R 170°	Via 7-mile DME Arc.	2500	C-d	500-1	500-1	500-1½
7-mile DME Fix, R 170°	SVM VOR (final)	Direct	2500	C-n	500-1½	500-1½	500-1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 350°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles of SVM VOR, make climbing right turn to 2500′ and return to SVM VOR.
NOTES: (1) Use Willow Run altimeter setting. (2) Runway lights on request.
MSA within 25 miles of facility: 000°–180°—2800′; 180°–270°—2500′; 270°–360°—2600′.

City, New Hudson; State, Mich.; Airport name, New Hudson; Elev., 947′; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 9 Nov. 67

Cashmere VHF Int	EAT VOR	Direct	7300	T-dn%	1000-1	1000-1	1000-1
Beehive Mount VHF Int	EAT VOR	Direct	6000	C-dn*	1000-1	1000-1	1000-1½
				A-dn	2000-2	2000-2	2000-2
				If Malaga FM received the following minimums apply:			
				C-d*	1000-1	1000-1	1000-1½
				C-n*	1000-1½	1000-1½	1000-2

Procedure turn N side of crs, 102° Outbnd, 282° Inbnd, 4700′ within 12 miles.
Minimum altitude over Malaga FM on final approach crs, 3100′.
Crs and distance, Malaga FM to airport, 282°—3.5 miles, EAT VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EAT VOR, climb to 2700′ on R 282° EAT VOR, then make climbing left turn direct to EAT VOR and continue climb to 5000′ within 10 miles on R 090° EAT VOR.
CAUTION: High terrain in all quadrants.
#Sliding scale not authorized for takeoff.
%Takeoffs all runways: Climb visually over the airport to 2200′. Then climb southeastbound on EAT VOR, R 102° to 3300′, thence return to EAT VOR climbing to cross VOR at: 4000′ eastbound V–2N; 5100′, southbound V–25; 6600′, westbound V–2N. All turns N side of R 102°. Upon reaching 3300′ on R 102°, eastbound aircraft may proceed to intercept V–2N via magnetic heading 060°.
*Terrain to 1800′, 1.7 miles NW through NE of airport. All circling and maneuvering S of Runways 11/29.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—7600′; 180°–270°—10,400′; 270°–360°—4600′.

City, Winatchee; State, Wash.; Airport name, Pangborn Field; Elev., 1245′; Fac. Class., L-BVOR; Ident., EAT; Procedure No. VOR Runway 29, Amdt. 6; Eff. date, 11 Nov 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 16 Oct. 65

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
25-mile DME Fix, R 046°	18-mile DME Fix, R 046°	Direct	2700	T-dn%*	300-1	300-1	200-½
25-mile DME Fix, R 066°	18-mile DME Fix, R 066°	Direct	2800	C-dn*	800-1	800-1	800-1½
18-mile DME Fix, R 046° clockwise	18-mile DME Fix, R 058°	18-mile DME Arc.	1800	S-dn-24$	800-1	800-1	800-1
18-mile DME Fix, R 066° counterclockwise	18-mile DME Fix, R 058°	18-mile DME Arc.	1800	A-dn	1000-2	1000-2	1000-2

Procedure turn not authorized. Final approach crs, 238° Inbnd from 18-mile DME Fix, R 058°.
Minimum altitude over 18-mile DME Fix, R 058° on final approach crs, 1800′; over 13-mile DME Fix, R 058°, 1300′; over 11.7-mile DME Fix, R 058°, 900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 9.3 DME Fix, R 058°, climb direct HQM VOR. Continue climb to 2500′ on R 239° within 10 miles.
% Takeoffs all runways: Climb direct to HQM VOR before proceeding on crs. V27W northeastbound, climb visually to 400′ over airport thence on crs.
*All maneuvering will be executed S of Runways 6/24.
$Visibility reduction not authorized.
MSA within 25 miles of facility: 340°–160°—2500′; 160°–250°—1100′; 250°–340°—1500′.

City, Hoquiam; State, Wash.; Airport name, Bowerman; Elev., 14′; Fac. Class., H-BVORTAC; Ident., HQM; Procedure No. VOR/DME Runway 24, Amdt. Orig.; Eff. date; 9 Nov. 67

17-mile DME Fix, R 162° counterclockwise	17-mile DME Fix, R 152°	17-mile DME Arc.	8500	T-dn%	300-1	300-1	200-½
17-mile DME Fix, R 152°	6-mile DME Fix, R 152°	Direct	6000	C-dn	800-1	800-1	800-1½
6-mile DME Fix, R 152°	4-mile DME Fix, R 152°	Direct	5300	S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 152° Outbnd, 332° Inbnd, 7500′ within 10 miles of 6-mile DME Fix, R 152°.
Minimum altitude over 17-mile DME Fix R 152° on final approach crs, 8500′; over 6-mile DME Fix R 152°, 6000′; over 4 mile DME Fix R-152′ 5300; over facility′ 4692′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LMT VOR, turn left, climb to 7500′ on R 256° Facility on airport.
LMT VOR within 10 miles. All maneuvering N of R 256°.
CAUTION: High terrain all quadrants.
% 200-½ authorized only Runway 14. 300-1 required Runway 32. 500-1 required Runways 7/25 and 18/36.
% Takeoffs all runways: Climb via LMT localizer SE crs/LMT VOR R 140° to 6000′, then turn right heading 250° to intercept and proceed via LMT VOR R 162° to cross LMT VOR at or above 7000′; westbound V–122, 6000′.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–360°—9300′.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092′; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. VOR/DME Runway 32, Amdt. Orig.; Eff. date, 9 Nov. 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Elon Int	LYH VORTAC, R 027°, 15-mile DME Fix.	Clockwise 15-mile DME Arc.	3500	T-dn-6 and 3° T-dn-35, 24, 21, and 17.	500-1 300-1	500-1 300-1	500-1 200-½
Sweetbriar Int	Monroe Int	Counterclockwise 20-mile DME Arc.	3500	C-dn-7% S-dn-21% A-dn-7%	700-1 700-1 800-2	700-1 700-1 800-2	700-1½ 700-1 800-2
Concord Int	LYH VORTAC, R 027°, 13-mile DME Fix.	Counterclockwise 13-mile DME Arc.	2000				

Procedure turn not authorized.
Minimum altitude on final approach crs (207°) 20-mile DME to 15-mile DME, 3500'; 15-mile DME to 10-mile DME, 2400'; 10-mile DME to 6-mile DME, 1640'.
Crs to airport Runway 21—207°. Breakoff point to runway, 0.8 NM—212°.
Minimum altitude 6-NM DME Fix R 027° Inbnd, 1640'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6-mile DME Fix, climb to 2900' direct to LYH VORTAC. Hold SW of Lynchburg VORTAC R 205°, 1-minute right turns.
*CAUTION NOTE: Runways 6-3 1340' terrain, 1.5 miles NE of airport.
%Circling and straight-in ceiling minimums increased 200', visibility requirement increased ½ mile, and alternate minimums not authorized when control zone not effective. Use Roanoke altimeter.
MSA within 25 miles of facility: 000°-090°—4600'; 090°-180°—2100'; 180°-270°—3100'; 270°-360°—3300'.

City, Lynchburg; State, Va.; Airport name, Lynchburg Municipal-Preston Glenn Field; Elev., 942'; Fac. Class., L-BVORTAC; Ident., LYH; Procedure No. VOR/DME Runway 21, Amdt. 1; Eff. date, 9 Nov. 67; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 20 Jan. 63

MCW VOR	9-mile DME Fix, R 356°	Direct	2800	T-dn	300-1	300-1	200-½
R 278°, MCW VOR clockwise	R 356°, MCW VOR	Via 15-mile DME Arc.	2800	C-dn S-dn-17S	400-1 400-1	500-1 400-1	500-1½ 400-1
R 032°, MCW VOR counterclockwise	R 356°, MCW VOR	Via 15-mile DME Arc.	2800	A-dn	800-2	800-2	800-2
15-mile DME Fix, R 356° MCW VOR	9-mile DME Fix, R 356° (final)	Direct	2800				

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2800' between 9- and 10-mile DME Fix, R 356°.
Minimum altitude over 9-mile DME Fix, R 356° on final approach crs, 2200'.
Crs and distance, 9-mile DME Fix, R 356° to airport, 176°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.3-mile DME Fix, R 356°, climb to 2800' on R 176° within 10 miles, and return to VOR.
S400-¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—3800'; 090°-270°—2600'; 270°-360°—2700'.

City, Mason City; State, Iowa; Airport name, Mason City Municipal; Elev., 1216'; Fac. Class., H-BVORTAC; Ident., MCW; Procedure No. VOR/DME Runway 17, Amdt. 4; Eff. date, 9 Nov. 67; Sup. Amdt. No. VOR/DME Runway 17, Amdt. 3; Dated, 10 June 67

PNC VOR	12-mile DME Fix PNC VOR, R 004°	Direct	2700	T-dn	300-1	300-1	200-½
PNC VOR, R 085° counterclockwise	PNC VOR, R 004°	Via 12-mile DME Arc.	2700	C-d C-n	500-1 500-2	600-1¼ 600-2	600-1½ 600-2
PNC VOR, R 271° clockwise	PNC VOR, R 004°	Via 12-mile DME Arc.	2700	S-dn-35 A-dn	500-1 NA	500-1¼ NA	500-1½ NA
12-mile DME Fix PNC VOR, R 004°	20-mile DME Fix PNC VOR, R 004° (final).	Direct	2700				

Procedure turn E side of crs, 184° Outbnd, 004° Inbnd, 2700' within 10 miles of 20-mile DME Fix PNC VOR, R 004°.
Minimum altitude over 20-mile DME Fix PNC VOR, R 004° on final approach crs, 2700'; over 23-mile DME Fix PNC VOR, R 004°, 1800'.
Crs and distance, 20-mile DME Fix to airport, 004°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 25.6-mile DME Fix, make right turn, climbing to 2700', return to 20-mile DME Fix PNC VOR, R 004°. Hold S.
NOTES: (1) Use Ponca City, Okla., altimeter setting. (2) Lights on Runways 17/35 only.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-360°—2500'.

City, Winfield-Arkansas City; State, Kans.; Airport name, Strother Field; Elev., 1161'; Fac. Class., H-BVORTAC; Ident., PNC; Procedure No. VOR/DME Runway 35, Amdt. Orig.; Eff. date, 9 Nov. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wolcottsville Int	GB LOM	Via BU LOM	2400	T-dn	300-1	300-1	200-½
Buffalo VOR	GB LOM	Direct	2400	C-dn	400-1	500-1	500-1¼
Crystal Beach Int	GB LOM (final)	Via BUF VOR R 250° and SW crs ILS.	*1600	S-dn-5#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Grand Island Int	GB LOM	Direct	2400				

Radar available.
Procedure turn S side SW crs, 232° Outbnd, 052° Inbnd, 2400' within 10 miles of GB LOM.
No glide slope.
Minimum altitude over GB LOM on final approach crs, 1600'.
Crs and distance, GB LOM to Runway 5, 052°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing GB LOM, make left-climbing turn to 2400', intercept and proceed Outbnd on Buffalo VOR, R 302° to Grand Island Int. Hold NW, 1-minute, right turns, 122° Inbnd, or when directed by ATC, climb to 2000' on 052° crs, proceed to BU LOM. Hold NE BU LOM, 1-minute right turns, 232° Inbnd.
NOTE: Back crs unusable beyond 15 miles.
*Maintain 2400' until established Inbnd on ILS SW crs.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of GB LOM: 020°–110°—2600'; 110°–200°—3900'; 200°–020°—2400'.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 723'; Fac. Class., ILS; Ident., I-BUF; Procedure No. LOC(BC) Runway 5, Amdt. 10; Eff. date, 9 Nov. 67; Sup. Amdt. No. LOC(BC) Runway 5, Amdt. 9; Dated.

HSV VOR	CWH RBn	Direct	2600	T-dn	300-1	300-1	200-½
Owens Int	CWH RBn	Direct	3000	C-dn#	500-1	500-1	500-1¼
Bluff City Int	CWH RBn	Direct	2600	S-dn-18R*	200-½	200-½	200-½
DCU VOR	CWH RBn	Direct	2600	A-dn	600-2	600-2	600-2
Tanner Int	CWH RBn	Direct	2600				
Bethel Int	CWH RBn	Direct	2600				

Procedure turn W side of N crs, 359° Oubnd, 179° Inbnd, 2600' within 10 miles of Capshaw RBn.
Minimum altitude over Capshaw RBn on final approach crs, 2600'.
Crs and distance, Capshaw RBn to airport, 179°—7.3 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 1816'—4.3 miles; at MM, 827'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600', proceed out S crs HSV ILS to Bluff City Int, enter holding pattern or, when directed by ATC, turn right, climb to 2600', proceed direct to DCU VOR, enter holding pattern.
#600' ceiling required when glide slope not utilized.
*600-¾ required when glide slope not utilized. Reduction not authorized.
MSA within 25 miles of CWH RBn: 000°–090°—2600'; 090°–180°—3000'; 180°–270°—2000'; 270°–360°—2000'.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County (New); Elev., 629'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS Runway 18R, Amdt. Orig.; Eff. date, 11 Nov. 67

HSV VOR	CWH RBn	Direct	2600	T-dn	300-1	300-1	200-½
CWH RBn	Bluff City Int	Direct	2600	C-dn	500-1	500-1	500-1¼
				S-dn-36L*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of S crs, 179° Outbnd, 359° Inbnd, 2400' within 10 miles of Bluff City Int.
Minimum altitude over Bluff City Int, on final approach crs, 2400'.
Crs and distance, Bluff City Int to airport, 359°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Bluff City Int, climb to 2600', proceed out N crs HSV ILS to Capshaw RBn, enter holding pattern or, when directed by ATC, turn left, climb to 2600', proceed direct to DCU VOR, enter holding pattern.
*400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County (New); Elev., 629'; Fac. Class., ILS; Ident., I-HSV; Procedure No. LOC(BC) Runway 36L, Amdt. Orig.; Eff. date, 11 Nov. 67

LMT VOR	LFA RBn	Direct	8500	T-dn%	300-1	300-1	200-½
Mount Dome Int	LFA RBn	Direct	7500	C-dn	800-1	800-1	800-1¼
LMT VOR 17-mile DME Fix, R 162° counterclockwise.	LMT VOR 17-mile DME Fix, R 140°	17-mile DME Arc	8500	S-dn-32#*	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2
LMT VOR 17-mile DME Fix, R 140°	LFA RBn (final)	Direct	7000				

Radar available.
Procedure turn S side of crs, 139° Outbnd, 319° Inbnd, 7500' within 10 miles of LFA RBn.
Minimum altitude at glide slope interception Inbnd, 7000'.
Altitude of glide slope and distance to approach end of runway at OM, 6042'—5.8 miles; at MM, 4350'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead on runway heading to 4600' thence make a climbing left turn direct to LFA RBn, continue climb on SE crs LMT localizer to 7500' within 10 miles of LFA RBn or, when directed by ATC, climb direct to LMT VOR, turn left and climb to 7500' on R 256°, LMT VOR within 10 miles. All maneuvering N of R 256°.
CAUTION: High terrain all quadrants.
%Takeoffs all runways: Climb via LMT localizer SE crs/LMT VOR R 140° to 6000', then turn right heading 250° to intercept and proceed via LMT VOR R 162° to cross LMT VOR at or above 7000'; westbound V122, 6000'.
%200-½ authorized only Runway 14. 300-1 required Runway 32. 500-1 required Runways 7/25 and 18/36.
#AIR CARRIER NOTE: Sliding scale for landing not authorized.
*Procedure not authorized with glide slope inoperative. The ALS is not a component of LMT ILS.
MSA within 25 miles of LFA RBn: 000°–090°—8300'; 090°–360°—9300'.

City, Klamath Falls: State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., ILS; Ident., I-LMT; Procedure No. ILS Runway 32, Amdt. 7; Eff. date, 9 Nov. 67 Sup. Amdt. No. ILS-32, Amdt. 6; Dated, 2 Oct. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hurt Int	Evington RBn (final)	Direct	2900	T-dn-6 and 3° and 17.	500-1	500-1	500-1
Goose Int	Evington RBn	Direct	3000	T-dn-35, 24, 21,	300-1	300-1	300-½
Lynchburg VOR	Evington RBn	Direct	2900				
Sweetbriar Int	Evington RBn	Direct	3000	C-dn%	700-1	700-1	700-1½
Sycamore Int	Evington RBn (final)	Direct	2900	S-dn-3%	200-½	200-½	200-½
Concord Int	Evington RBn	Direct	3000	A-dn%	700-2	700-2	700-2
Moneta Int	Evington RBn	Direct	3000	When glide slope not utilized:			
Elon Int	Evington RBn	Direct	3000	S-dn-3%	400-¾	400-¾	400-¾

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2900' within 10 miles of EVI RBn.
Minimum altitude over Evington RBn on final approach crs, 2883'.
Minimum altitude at glide slope interception Inbnd, 2900'.
Crs and distance, Evington RBn to airport, 032°—7.2 miles.
Altitude of glide slope and distance to approach end of runway at OM, 1934'—3.8 miles; at MM, 1082'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left-climbing turn to 2900' direct to Evington RBn, hold SW of Evington RBn, 032° Inbnd, 1-minute right turns. Alternate missed approach for VOR/DME equipped aircraft, climb to 3300' direct to Monroe Int., hold N, 207° Inbnd, 1-minute, left turns.
NOTE: Procedure turn not required if Hurt Int or Sycamore Int is received.
*CAUTION NOTE: Runways 6 and 3: 1350' terrain, 1.5 miles NE of airport.
%Circling and straight-in ceiling minimums increased 200', straight in visibility minimums increased ¼ mile, circling visibility minimums increased ½ mile, and alternate minimums not authorized when control zone not effective. Use Roanoke altimeter.

City, Lynchburg; State, Va.; Airport name, Lynchburg Municipal-Preston Glenn Field; Elev., 942'; Fac. Class., ILS; Ident., I-LYH; Procedure No. ILS Runway 3, Amdt. 4; Eff. date, 9 Nov. 67; Sup. Amdt. No. ILS-3, Amdt. 3; Dated, 16 Oct. 65

MEI VORTAC	LOM (HW)	Direct	2000	T-dn *	300-1	300-1	300-½
Stratton Int	LOM (HW)	Direct	2000	C-dn	600-1	600-1	600-1½
Decatur Int	LOM (HW)	Direct	2000	S-dn-1 ** #	300-¾	300-¾	300-¾
Newton Int	LOM (HW)	Direct	2000	A-dn	600-2	600-2	600-2
Rose Hill Int	LOM (HW)	Direct	2000				
EWA VOR	LOM (HW)	Direct	2000				

Radar available.
Procedure turn E side of S crs, 184° outbnd, 004° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1700'—4.5 miles; at MM, 515'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing OM, turn left, climb to 2000' on R 225° MEI VORTAC within 15 miles or, when directed by ATC, climb to 2000' proceed direct to MEI VORTAC, then on R 316°, MEI VORTAC within 15 miles.
NOTE: Takeoffs with less than 200-½ not authorized on Runways 5 and 23.
No approach lights. Overrun lights and high-intensity runway lights only on Runways 1-19. Runways 9-27 closed.
CAUTION: Trees 600', 2 miles E of airport. 1000' tower, 2.5 miles E of airport. 880' tower, 4.2 miles SE of airport.
#500-1 (RVR 5000') required when glide slope not utilized. Reduction below ¾ mile (RVR 4000') not authorized. Back crs unusable.
*RVR 2400' authorized Runway 1.
**RVR 4000': absolute ceiling 300'.
MSA within 25 miles of LOM: 000°-090°—2100'; 090°-180°—1900'; 180°-270°—1700'; 270°-360°—2000'.

City, Meridian; State ,Miss.; Airport name, Key Field; Elev., 297'; Fac. Class., ILS; Ident., I-MEI; Procedure No. ILS Runway 1, Amdt. 12; Eff. date, 11 Nov. 67; Sup. Amdt. No. ILS-1, Amdt. 11; Dated, 1 Oct. 65

PROCEDURE CANCELED, EFFECTIVE 11 NOV. 1967.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196'; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS-14, Amdt. 5; Eff. date, 10 Apr. 65; Sup. Amdt. No. 4; Dated, 25 May 63

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
															Surveillance approach		
	*360	195	0-17	4900										T-dn	200-1	200-1	200-½
	**196	359	0-17	5000										C-dn	400-1	500-1	500-1½
														S-dn-21, 03, 13,	400-1	400-1	400-1
														31#	400-1	400-1	500-1½
														A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 03—Climb to 5000' and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles. Runway 21—Climb to 5000' and proceed to LOM or, when directed by ATC, turn left and climb to 5000', proceeding out R 076° Amarillo VOR within 15 miles. Runway 13—Turn left, climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles. Runway 31—Turn right, climb to 5000' to Amarillo VOR, proceed out R 076° within 15 miles.
*Radar control will provide 1000' vertical clearance within a 3-mile radius of KGNC radio tower, 3500', 13.5 miles NE or maintain 4900'.
**Radar control will provide 1000' vertical clearance within a 3-mile radius of TV antennas, 4336' and 4238', 8.5 miles WNW or maintain 5300'.
#Runway 3—400-½ authorized with operative ALS, except for 4-engine turbojets.
#Runway 21—400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605'; Fac. Class and Ident., Amarillo Radar; Procedure No. 1, Amdt. 4; Eff. date, 11 Nov. 67; Sup. Amdt. No. 1, Amdt. 3; Dated, 8 May 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
000°-----	360°-----	20 miles-----	2000	S-dn-6-----	200-½	200-½	200-½
045°-----	345°-----	20-40 miles-----	3000	S-dn-18, 36-----	300-¾	300-¾	300-¾
345°-----	045°-----	20-40 miles-----	4000	A-dn-----	600-2	600-2	600-2
				Surveillance approach			
				T-dn-----	300-1	300-1	200-½
				C-dn-6, 24, 36---	500-1	500-1	500-1¼
				C-dn-18-----	600-1	600-1	600-1½
				S-dn-6, 24, 36#--	400-1	400-1	400-1
				S-dn-18*-----	600-1	600-1	600-1
				A-dn-----	800-2	800-2	800-2

All bearings and distances are from radar antenna with sector azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 6, 36, turn right (Runways 18, 24, turn left), climb to 2000' on R 165° OZR VOR to Hartford Int, hold SW, 1-minute right turns, or when directed by ATC (Runways 6, 36, turn right; Runways 18, 24, turn left), climb to 2000' on R 035° OZR VOR to DHN VORTAC, hold SE on R 150° DHN VORTAC, 1-minute left turns.

NOTES: Authorized for military use only except by prior arrangement.

#400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.

*Reduction not authorized.

City, Fort Rucker; State, Ala.; Airport name, Cairns AAF; Elev., 305; Fac. Class. and Ident., Cairns Radar; Procedure No. 1, Amdt. 8; Eff. date, 11 Nov. 67; Sup. Amdt. No. 1, Amdt. 7; Dated, 12 Mar. 66

				Precision approach			
				T-dn%-----	300-1	300-1	200-½
				C-dn-----	800-1	800-1	800-1¼
				S-dn-14/32#-----	300-¾	300-¾	300-¾
				A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 32—Climb direct to LMT VOR, thence turn left climb to 7500' on R 256° LMT VOR within 10 miles. All maneuvering N of R 256°. Runway 14—Climb to 7500' direct to LFA RBn or, when directed by ATC, climb direct to LMT VOR, turn right, climb to 7500' on R 256° LMT VOR within 10 miles. All maneuvering N or R 256°.

CAUTION: High terrain all quadrants. PAR monitored ILS approaches not approved.

%Takeoffs all runways: Climb via LMT ILS localizer SE crs/LMT VORTAC R 140° to 6000', then turn right heading 250° to intercept and proceed via LMT VOR, R 162° to cross the LMT VOR at or above 7000'; westbound V-122, 6000'.

%200-½ authorized only on Runway 14. 300-1 required Runway 32. 500-1 required Runways 7/25 and 18/36.

#AIR CARRIER NOTE: Sliding scale for landing not authorized.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class. and Ident., Klamath Falls Radar; Procedure No. 1, Amdt. 1; Eff. date, 9 Nov. 67; Sup. Amdt. No. 1, Orig.; Dated, 26 Nov. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on October 4, 1967.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-12070; Filed, Oct. 19, 1967; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-513]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

Withdrawal of Exemption of Intra-Hawaiian Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of October, 1967.

By notice of proposed rule making issued August 14, 1967, EDR-123, Docket 18378, and published at 32 F.R. 11883, the Board advised of its intention to amend Part 234 of the Economic Regulations to withdraw the present exemption of intra-Hawaiian air transportation and thereby subject such transportation to the requirements of existing Part 234.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Civil Aeronautics Board hereby amends Part 234 of its Economic Regulations (14 CFR Part 234) effective December 1, 1967,[1] as follows:

1. Amend § 234.2 to read as follows:

§ 234.2 Applicability.

This part applies to any route air carrier certificated pursuant to section 401(d) (1) or (2) of the Federal Aviation Act insofar as it is engaged in air transportation, other than helicopter service or community center or interairport service, within or among any of the 48 mainland States of the United States and District of Columbia or between points within Hawaii with respect to all flights, other than all-cargo flights, scheduled and performed in such transportation: *Provided,* That the provisions of § 234.8 shall apply also to such air transportation by route air carriers between any point in Hawaii or Alaska and any point in any of the 48 mainland States or the District of Columbia. This part does not apply to supplemental air carriers or to intra-Alaskan air transportation.

2. Amend § 234.8 (a) and (b) to read as follows:

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights (1)

[1] For administrative convenience, we shall make the reporting requirement effective on the first day of the month.

between any of the 100 top-ranking pairs of points in terms of revenue-passenger volume as set forth in Table 4 in the Board's Domestic Origin-Destination Survey of Airline Passenger Traffic, or (2) between the State of Hawaii or Alaska, on the one hand, and points in the 48 contiguous States, on the other hand, or within the State of Hawaii, with a passenger volume, as determined from the International Origin-Destination Survey of U.S.-Flag Airline Passenger Traffic, greater than the 100th ranked pair in the Domestic Survey described in subparagraph (1) of this paragraph, shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights," CAB Form 438 (Rev. 12-64):[2] *Provided,* That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall also be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

(b) The pairs of points on which reports are to be filed are shown in the "List of City Pairs for Use in Reporting on CAB Form 438" issued by the Board. Whenever the Surveys referred to in paragraph (a) of this section show a change in the top-ranking pairs, the Board will issue a revised reporting list indicating the date on which it is to become effective.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 102(d), 404(a), 405(b), 407, and 411, 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 760, 49 U.S.C. 1375; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-12413; Filed, Oct. 19, 1967; 8:46 a.m.]

[2] CAB Form 438 (Rev. 12-64) is filed as part of the original document and can be obtained from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES

PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

Miscellaneous Amendments

Henceforth the Bureau of the Mint will accept deposits of silver bullion not eligible for deposit under § 92.4 of the regulations in exchange for silver bars 0.996 fine or better.

Sections 90.3, 90.4 and 92.5 are being amended to accord with this policy. Because of the nature and purpose of these amendments and the necessity of making them effective immediately, it is found that notice and public procedure are impracticable, unnecessary and contrary to the public interest. The amendments are effective immediately.

1. "Class B" of § 90.3 is hereby amended to read as follows:

§ 90.3 Parting and refining charge (rate per gross troy ounce or fraction).

* * * * *

CLASS B—SILVER BULLION FREE FROM GOLD

Silver Content:	*Charge (cents)*
600 thousandths or less	12
600½ to 850 thousandths	9
850½ to 995¾ thousandths	4

* * * * *

2. The title for § 90.4(b) is hereby changed as follows:

§ 90.4 Bar charges.

* * * * *

(b) *Charges on silver bars (0.996 or higher fineness) sold, or issued in exchange for silver bullion.* * * *

(R.S. 3524, R.S. 3546; 31 U.S.C. 332, 360)

3. Section 92.5 is hereby amended to read as follows:

§ 92.5 Deposit of silver for return in bar form.

Silver bullion not eligible for deposit under § 92.4 may be deposited at any mint or assay office for return in the form of silver bars 0.996 fine or better: *Provided,* That such silver contains not less than 600 parts of silver in 1,000 and not more than 100 parts of gold in 1,000. (The gold content of such deposits if eligible for purchase under § 54.38 of this chapter is paid for at the price set forth in § 54.45 of this chapter; no return is made for base metal contained in the deposit.) No mint stamped silver bar weighing less than 100 gross troy ounces is issued. If a silver deposit containing less than 100 fine ounces of silver is deposited for return in the form of silver 0.996 fine or better, the silver returned will be in the form of unmarked bars, or an unmarked piece cut from a bar, approximating as closely as practicable, but not more than, the fine silver content of the deposit. Any fine silver remainder, due the depositor, will be purchased at the price then being paid for silver contained in gold bullion under § 92.6, except that not more than 1,000 ounces of silver shall be purchased in any one month at any one mint institution without special authorization. Appropriate instructions will be communicated by the Director of the Mint to Mint Field Offices.

(R.S. 161; 5 U.S.C. 22)

Effective date. These amendements shall become effective upon filing with the Office of the Federal Register.

[SEAL] F. W. TATE,
Acting Director of the Mint.

Approved: October 18, 1967.

FRED B. SMITH,
General Counsel.

[F.R. Doc. 67-12483; Filed, Oct. 19, 1967; 10:54 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Miscellaneous Amendments

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1838), and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590 g-p). This amendment (1) revises the definition of the term "landlord" and adds a definition of the term "representative of the county committee", (2) specifies when land on a farm covered by a Cropland Adjustment or Cropland Conversion Program agreement under which a specific commodity is diverted may be combined with other land, (3) provides that reconstitutions shall not be made if a division is for the primary purpose of obtaining small farm cotton allotments, (4) makes it clear that the effective date of a reconstitution may be made retroactive in any case where the farm was previously reconstituted on the basis of misrepresentation by a producer, (5) provides the manner in which the minimum allotment provisions shall be applicable when divisions are made by the

estate or owner-designation methods or when allotments are varied among tracts after a division made under any method, (6) provides a method by which certain wheat farms may be reconstituted, (7) eliminates references to small farm bases for wheat farms, (8) provides for the transfer of pooled upland cotton allotment by sale, lease, or owner, and (9) lists crops subject to acreage restriction on federally owned land under restrictive lease.

Since farmers will soon be seeding their 1968 wheat crop in the winter wheat area, it is essential that this amendment be made effective as soon as possible in order to have this amendment apply to that crop. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

The regulations in Part 719—Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370, as amended) are amended as follows:

1. Section 719.2 of the regulations is amended by changing paragraph (m) and adding a new paragraph (z) to read as follows:

§ 719.2 Definitions.

* * * * *

(m) *Landlord.* An owner who rents or leases, or a tenant who subleases, farmland to another person.

* * * * *

(z) *Representative of the county committee.* A member of the county committee or any employee of the county committee.

2. Section 719.3 of the regulations is amended by changing paragraph (b) (8) and adding a new paragraph (d) (6) to read as follows:

§ 719.3 Farm constitution.

* * * * *

(b) *Farms constituted for the first time or reconstituted hereafter.* * * *

(8) Land covered by a cropland adjustment or cropland conversion program agreement unless (i) the specific commodity diverted under the agreement is also diverted under a cropland adjustment or cropland conversion program agreement covering the other land and having the same expiration date, or (ii) the other land does not have an allotment or base of the same commodity.

* * * * *

(d) *Required reconstitutions.* * * *

(6) Notwithstanding any other provisions of this paragraph, no reconstitution shall be made if the county committee determines that the primary purpose of the request is to establish eligibility (i) to transfer upland cotton allotments by sale or lease or (ii) for small farm benefits under the upland cotton program.

3. Section 719.7 of the regulations is amended by changing paragraph (b) (3), adding a new paragraph (b) (5), and changing paragraph (c) to read as follows:

§ 719.7 Reconstitution of farm allotments, history acreage, and farm bases.

* * * * *

(b) *Effective date of reconstitutions.* * * *

(3) *Conservation Reserve, Cropland Conversion, and Cropland Adjustment Programs.* (i) A combination shall not be effective for purposes of the Conservation Reserve, Cropland Conversion, and Cropland Adjustment Programs (CRP, CCP, and CAP) for the current program year if it would cause noncompliance with the contract or agreement. (ii) A division shall be effective for purposes of the CRP, CCP, and CAP for the current program year unless (*a*) all land in the parent farm is continued in the CRP, CCP, and CAP and (*b*) the division would cause noncompliance with the contract or agreement.

* * * * *

(5) *Misrepresentation.* Notwithstanding any other provisions of this section, if the county committee determines that the farm was reconstituted because of a misrepresentation by a producer, the farm shall be properly reconstituted, and the effective date of such reconstitution for all purposes shall be retroactive to the date the farm was improperly reconstituted.

(c) *Maximum and minimum provisions, adjustments, and release and reapportionment.* (1) Allotments for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with the regulations in this part are subject to maximum and minimum allotment provisions and to adjustments from allotment reserves for the commodity and released farm allotments as provided in the regulations governing the determination of farm acreage allotments for the commodity. (2) Notwithstanding the provisions of subparagraph (1) of this paragraph, the minimum allotment for upland cotton and burley tobacco shall be the allotment established for each tract after the division (where such allotment is equal to or less than the statutory minimum) in case of divisions made by the estate or owner-designation methods or when variations in allotments are made among tracts after a division under any method.

* * * * *

4. Section 719.8 of the regulations is amended by changing paragraph (h) to read as follows:

§ 719.8 Rules for determining farm bases, farm allotments and history acreages where reconstitution is made by division.

* * * * *

(h) *Divisions involving tract(s) losing small farm wheat history when previously combined.* The county committee may determine a fair and equitable division of the wheat allotment based upon allotments established for the tracts in the years immediately preceding the combination if the county committee determines a fair and equitable division of the wheat allotment could not be made using the cropland or history methods.

* * * * *

5. Section 719.9 of the regulations is amended to read as follows:

§ 719.9 Rules for determining farm bases, farm allotments, and history acreages where reconstitution is by combination.

If two or more farms or parts of farms are combined for the current year, the current year's allotments, farm bases, history acreages, planted acreages, and acreages considered planted for the years in the base period for the respective commodities for the reconstituted farm shall be the sum of the allotments, farm bases, history acreages, planted acreages, and acreages considered planted for each of the tracts comprising the combination, subject to the provisions of § 719.7(c).

6. Section 719.11 of the regulations is amended by changing paragraph (e) to read as follows:

§ 719.11 Pooling and transfer of farm acreage allotments and feed grain bases where the farm owner is displaced by an agency having the right of eminent domain.

* * * * *

(e) *Release of pooled allotment.* Notwithstanding the provisions of paragraph (c) of this section, during any year that the allotment is pooled and has not been transferred to another farm, the displaced owner may (1) transfer upland cotton pooled allotments (i) on a permanent basis under section 344a of the Agricultural Adjustment Act of 1938, as amended, or (ii) on a temporary basis by lease or by owner under section 344a of such Act for one or more years but not to exceed the period for which such allotments remain in existence as pooled allotments, and (2) in accordance with applicable commodity regulations, release for 1 year at a time any part or all of such pooled allotment to the county committee for reapportionment to other farms in the same county having allotments for such commodity. Such reapportionment shall be on the basis of the past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop-rotation practices, and soil and other physical facilities affecting the production of the commodity; and the allotment reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned. Allotments may not be permantly released or surrendered to the State committee for reapportionment to other counties.

* * * * *

7. A new § 719.15 is added to the regulations to read as follows:

§ 719.15 Federally-owned land under restrictive lease.

(a) *General.* It is the policy of the United States to prohibit the cultivation of crops of price-supported commodities in surplus supply on farmland leased from the United States.

(b) *Price-supported commodities in surplus supply.* It has been determined that the following price-supported commodities are in surplus supply: Cotton (upland and extra-long staple), corn, grain sorghum, rice, wheat, peanuts, dry edible beans, and tobacco of the kinds for which acreage allotments are in effect.

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended; sec. 124, 70 Stat. 198; sec. 602, 79 Stat. 1206; sec. 4, 49 Stat. 164; 7 U.S.C. 1374, 1375, 1812, 1838; 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 16, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-12424; Filed, Oct. 19, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 966-A]

PART 195—CAR SERVICE

Northern Pacific Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of October A.D. 1967.

Upon further consideration of Service Order No. 966 (30 F.R. 12294, 31 F.R. 4894, 31 F.R. 16152, 32 F.R. 8678) and good cause appealing therefor:

It is ordered, That:

Section 195.966 *Service Order No. 966* (Northern Pacific Railway Co. authorized to operate over trackage of Union Pacific Railroad) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., October 16, 1967; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12418; Filed, Oct. 19, 1967; 8:47 a.m.]

[No. 32156]

PART 281—COMMON AND CONTRACT CARRIERS OF PASSENGERS

Uniform System of Accounts; Class I Motor Carriers

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of September 1967.

On July 19, 1967, notice of proposed rule making regarding proposed amendments of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, pertaining to the accounting treatment of extraordinary and prior period items in the lished in the FEDERAL REGISTER (32 F.R. 10603). After consideration of all such relevant matter as was submitted by interested persons, the amendments as so proposed are hereby adopted.

It is ordered, That the amendments to Part 281 as proposed are adopted without change.

It is further ordered, That these amendments are effective January 1, 1967.

And it is further ordered, That service of this order shall be made on all Class I Common and Contract Motor Carriers of Passengers which are affected hereby and notice thereto shall be given the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Secs. 204, 220, 49 Stat. 546, 563 as amended; 49 U.S.C. 304, 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

I. Instructions amended:

Item No. 1. Instruction "7 Delayed items" is revised to read as follows:

§ 281.02-7 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includable in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments; from wars, earthquakes and similar calamities and catastrophies, which are not a recurrent hazard of the business and which are not usually covered by insurance; from change in application of accounting principles; and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludable from ordinary income are to be entered in the income accounts provided for extraordinary and prior period items upon approval or direction of the Commission.

(b) In determining materiality, items of a smilar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed 1 percent of total operating revenues and 10 percent of ordinary income for the year.

(c) Adjustments constituting items of a character typical of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of amount.

Item No. 2. Instruction "10 Current assets" is amended by revising paragraph (b) as follows:

§ 281.02-10 Current assets.

* * * * *

(b) Adjustments to accomplish the writing down of items of doubtful value not covered by reserves shall be made through account 4680, Uncollectible Revenues, account 7500, Other Deductions, or other appropriate ordinary income account.

Item No. 3. Instruction "12 Discount; expense and premium on capital stock" is amended by revising paragraph (c) as follows:

§ 281.02-12 Discount; expense and premium on capital stock.

* * * * *

(c) General levies or assessments against stockholders shall be credited to the premium account for the particular class and series of capital stock so assessed, except that assessments with respect to nonpar stock without stated value shall be credited to the capital stock account.

* * * * *

Item No. 4. Instruction "13 Discount; expense and premium on long-term obligations" is amended by revising the second sentence of paragraph (e) as follows:

§ 281.02-13 Discount; expense and premium on long-term obligations.

* * * * *

(e) * * * At that time (unless otherwise ordered by the Commission in the

case of an exchange of securities) the portion of the balances in these accounts, or subdivision for the particular class of long-term debt reacquired, shall be transferred to account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. * * *

* * * * *

Item No. 5. Instruction "14 Company securities owned" is amended by revising the second and last sentences of paragraph (b) (1) and all of paragraph (b) (2) as follows:

§ 281.02–14 Company securities owned.

* * * * *

(b) (1) * * * The difference between the face value and the amounts actually paid for the reacquired obligations shall be included in account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. (See § 281.02–7.) Likewise, any unamortized debt discount, expense or premium, applicable to the reacquired obligations, shall be adjusted through account 6500 or account 7500, as appropriate.

(2) When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in account 1920, Reacquired Securities, shall be credited thereto and any difference between the total amount realized from the sale (less related commissions and expenses) and the credit to account 1920 shall be included in account 6500 or account 7500, as appropriate, unless otherwise ordered by the Commission.

Item No. 6. Instruction "15 Book cost of securities owned" is amended by revising the last sentence of paragraph (b), and adding paragraph (e) as follows:

§ 281.02–15 Book cost of securities owned.

* * * * *

(b) * * * A reserve may be provided against declines in the value of securities by charges to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate. (See § 281.02–7.)

* * * * *

(e) Profits and losses resulting from the sale of securities of others shall be included in accounts 6500, Other Non-operating Income, or 7500, Other Deductions, as appropriate; or, when qualifying as extraordinary pursuant to instruction 7, shall be included in account 9010, Extraordinary Items.

Item No. 7. Instruction "21 Operating property retired" is amended by deleting paragraph (h) and revising paragraphs (d), (f), and the last sentence of paragraph (g) as follows:

§ 281.02–21 Operating property retired.

* * * * *

(d) *Land.* When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be adjusted through account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. However, when the amount constitutes an extraordinary item pursuant to instruction 7, it shall be included in account 9010, Extraordinary Items.

* * * * *

(f) *Intangibles.* The accounting for the retirement of items included in account 1511, Franchises, account 1541, Patents, and intangible elements with limited terms included in account 1201, Land and Land Rights, shall be as provided in the texts of account 2600, Reserve for Amortization—Carrier Operating Property, and account 5100, Amortization of Carrier Operating Property.

(g) *Sale of property.* * * * The difference, if any, between (1) the net amount of such debit and credit items, and (2) the consideration received for the property, shall be included in account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. (See § 281.02–7.)

* * * * *

(h) [Deleted]

Item No. 8. Instruction "31 Amortization of intangibles" is amended by revising paragraph (a) as follows:

§ 281.02–31 Amortization of intangibles.

(a) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to account 7500, Other Deductions, depending on the remaining estimated period of usefulness; or the entire cost, when qualifying as extraordinary pursuant to instruction 7, may be written off by debiting account 9010, Extraordinary Items, with concurrent credit to account 2600, Reserve for Amortization—Carrier Operating Property.

* * * * *

II. Texts of balance sheet accounts amended:

Item No. 1. Account 1511 Franchises is amended by revising the first sentence of paragraph (c) as follows:

§ 281.1511 Franchises.

* * * * *

(c) When any franchises, permits, consents or certificates have expired, and are not immediately renewed, are sold or otherwise disposed of, credits to this account shall be made representing the amounts at which such items (including expenses of acquisition) are carried herein. Concurrent charges shall be made to account 2600, Reserve for Amortization—Carrier Operating Property, or to account 5100, Amortization of Carrier Operating Property, as appropriate. * * *

* * * * *

Item No. 2. Account 1541 Patents is amended by revising the second sentence of paragraph (b) as follows:

§ 281.1541 Patents.

* * * * *

(b) * * * Concurrent charge shall be made to account 2600, Reserve for Amortization—Carrier Operating Property, or to account 5100, Amortization of Carrier Operating Property, as appropriate. * * *

Item No. 6. Account 1550 Other intangible property is amended by revising paragraph (b) as follows:

§ 281.1550 Other intangible property.

* * * * *

(b) The carrier may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 7500, Other Deductions, or the entire amount carried herein for any item may be written off to account 9010, Extraordinary Items, pursuant to instruction 31.

Item No. 4. Account 1890 Other deferred debits is amended by revising the last sentence of paragraph (a) and deleting paragraph (b) as follows:

§ 281.1890 Other deferred debits.

(a) * * * If projects in connection with which such preliminary costs were incurred are abandoned, the expense shall be charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate.

(b) [Deleted]

* * * * *

Item No. 5. Account 2000 Notes payable is amended by revising "Note B" as follows:

§ 281.2000 Notes payable.

* * * * *

NOTE B: Unmatured equipment obligations shall be included in account 2190, Equipment Obligations and Other Debt Due Within One Year, or account 2300, Equipment Obligations, as appropriate.

§ 281.2500 [Amended]

Item No. 6. Account 2500 Reserve for depreciation—Carrier operating property is amended by deleting paragraph (a) (2).

Item No. 7. Account 2600 Reserve for amortization—Carrier operating property is amended by deleting the last sentence of paragraph (d) and revising paragraph (a) and the second sentence of paragraph (b) as follows:

§ 281.2600 Reserve for amortization; carrier operating property.

(a) This account shall be credited with amounts charged to account 5100, Amortization of Carrier Operating Property, or other appropirate account, for amortization of the cost of acquiring leaseholds, franchises, consents, privileges, patents, and other intangible property having a fixed term life. This account shall also be credited with amounts charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate, for the amortization or writeoff of cost of acquiring perpetual leaseholds and of intangible property which does not have a fixed term life.

(b) * * * The difference between the proceeds realized and the net book cost (see definition 29 and instruction 21) of the property retired shall be included in

account 5100, Amortization of Carrier Operating Property.

* * * * *

Item No. 8. Account 2930 Earned surplus is amended by revising the first sentence of paragraph (a) and paragraph (b) as follows:

§ 281.2930 Earned surplus.

(a) This account shall include the balance of the amounts included in accounts 2932 to 2946, inclusive, either debit or credit, of unappropriated surplus arising from earnings. * * *

(b) The balance of all earned surplus accounts (2932 to 2946, inclusive) shall be closed to this account at the end of each calendar year.

III. Texts of earned surplus accounts deleted and amended:

§§ 281.2931, 281.2941 [Deleted]

Item No. 1. The following accounts are deleted:

2931 Surplus credits applicable to prior years.

2941 Surplus debits applicable to prior years.

Item No. 2. Account 2933 Other credits to surplus is amended to read as follows:

§ 281.2933 Other credits to surplus.

(a) This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

§ 281.2946 [Amended]

Item No. 3. Account 2946 Other debits to surplus is amended as follows:

(a) The "Note" is designated account 2999.

(b) The account is revised to read as follows:

(a) This account shall include (1) charges which reduce or write off discount on capital stock issued by the company, and (2) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that unearned surplus is not available for such purposes. (See §§ 281.02–21(d) and 281.02–20(a)(2)(ii).)

(b) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(c) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

IV. Form of balance sheet statement amended:

§ 281.2999 [Amended]

Item No. 1. Account 2999 Form of balance sheet statement is amended by deleting the following line items from the Asset Side:

1920, Reacquired Securities:
(a) Pledged.
(b) Unpledged.
1990, Nominally Issued Securities:
(a) Pledged.
(b) Unpledged.

V. Texts of income accounts deleted and amended:

Item No. 1. Account 4652 Employees' welfare expenses is amended by revising the first sentence of paragraph (c) as follows:

§ 281.4652 Employees' welfare expenses.

* * * * * *

(c) Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve, this account 4652 or account 9010, Extraordinary Items, as appropriate. * * *

§ 281.5100 [Deleted]

Item No. 2. Account 5100 Amortization chargeable to operations is deleted.

§ 281.5100 [Redesignated]

Item No. 3. Account 5110 Amortization of carrier operating property is redesignated account 5100.

§ 281.5120 [Deleted]

Item No. 4. Account 5120 Property loss chargeable to operations is deleted.

Item No. 5. Account 5200 Operating taxes and licenses is amended by revising paragraph (a) as follows:

§ 281.5200 Operating taxes and licenses.

(a) This account shall include the amount of Federal, State, county, municipal and other taxing district taxes, which relate to motor carrier operations and property used therein (except taxes provided for in account 8000, Income Taxes on Ordinary Income).

* * * * *

Item No. 6 Account 8000 Provision for income taxes is amended by revising the title and paragraph (a) as follows:

§ 281.8000 Account 8000 Income taxes on ordinary income.

(a) (1) Monthly accruals for Federal, State or other income taxes applicable to ordinary income shall be included in this account. See texts of account 9050, Income Taxes on Extraordinary and Prior Period Items, account 2933, Other Credits to Surplus, and account 2946, Other Debits to Surplus, for recording other income tax consequences.

(2) Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(3) Income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs or, if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to instruction 7, it shall be included in account 9030, Prior Period Items.

* * * * *

Item No. 7. In the text of the system of accounts, after account 8000, Income taxes on ordinary income, add the following:

* * * * *

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 281.9010 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with instruction 7, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes.
Net gain or loss on sale of securities acquired for long term investment purposes.
Loss on retirement of transportation property because of abandonment or other cause for which depreciation reserve has not been provided.
Change in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 281.9030 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of instruction 7, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of income taxes of prior years.
Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 281.9050 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includible in account 9010, Extraordinary Items, or account 9030, Prior Period Items, as appropriate.

§ 281.9999 Form of income statement.

ORDINARY ITEMS

I. CARRIER OPERATING INCOME

Revenues:	
3000. Operating Revenues	------
Expenses:	
4000. Operation and Maintenance Expenses	------
5000. Depreciation Expense	------
5100. Amortization of Carrier Operating Property	------
5200. Operating Taxes and Licenses	------
5300. Operating Rents—Net	------
Total Expenses	------
Net Operating Revenue	------
5400. Rent for Lease of Carrier Property—Debit	------
5500. Income from Lease of Carrier Property—Credit	------
Net Carrier Operating Income	------

II. OTHER INCOME

6000. Net Income from Noncarrier Operations	------
6100. Net Income from Nonoperating Property	------
6200. Interest Income	------
6300. Dividend Income	------
6400. Income from Sinking and Other Funds	------
6500. Other Nonoperating Income	------
Total Other Income	------
Gross Income	------

III. INCOME DEDUCTIONS

7000. Interest on Long-Term Obligations	-----
7100. Other Interest Deductions	-----
7200. Taxes Assumed on Interest	-----
7300. Amortization of Debt Discount and Expense	-----
7400. Amortization of Premium on Debt—Credit	-----
7500. Other Deductions	-----
Total Income Deductions	-----
Ordinary Income Before Income Taxes	-----
8000. Income Taxes on Ordinary Income	-----
Ordinary Income	-----

EXTRAORDINARY AND PRIOR PERIOD ITEMS

9010. Extraordinary Items (Net)	-----
9030. Prior Period Items (Net)	-----
9050. Income Taxes on Extraordinary and Prior Period Items	-----
Total Extraordinary and Prior Period Items	-----
Net Income (or Loss) Transferred to Earned Surplus	-----

VI. Miscellaneous amendments:

Item No. 1. The list of instructions and accounts in the Code of Federal Regulations, Part 281, is amended by making the following revisions:

(a) The entry reading 281.02–7 Delayed items, is changed to:

281.02–7 Extraordinary and prior period items.

(b) The following are deleted:

281.2931 Surplus credits applicable to prior years.
281.2941 Surplus debits applicable to prior years.

(c) Directly below "Income Accounts" the following is added:

ORDINARY ITEMS

(d) The entry reading "281.5100 Amortization chargeable to operations" is changed to:

281.5100 Amortization of carrier operating property.

(e) The following are deleted:

281.5110 Amortization of carrier operating property.
281.5120 Property loss chargeable to operations.

(f) The entry reading "281.8000 Provisions for income taxes" is changed to:

281.8000 Income taxes on ordinary income.

(g) The following are added after 281.8000 Income taxes on ordinary income:

EXTRAORDINARY AND PRIOR PERIOD ITEMS.

281.9010 Extraordinary items (net).
281.9030 Prior period items (net).
281.9050 Income taxes on extraordinary and prior period items.

Item No. 2. In the text of the system of accounts, after account 2999, Form of balance sheet statement, the following is added directly below Income Accounts:

ORDINARY ITEMS

[F.R. Doc. 67–12417; Filed, Oct. 19, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Operating Reserve

Consideration is being given to the approval of a proposal to establish an operating reserve, as hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946).

This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, no later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 946.219 Operating reserve.

(a) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal years as an operating reserve: *Provided*, That funds in the operating reserve do not exceed approximately 1 fiscal year's expenses.

(b) The funds in said operating reserve may be used (1) to defray expenses incurred during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (2) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (3) to defray expenses incurred during any period when assessments are suspended or are inoperative and (4) to cover necessary expenses of liquidation in the event of termination of this part.

(c) Upon termination of this part any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the handlers from whom they were collected.

(d) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part. (Secs. 1–19, 48 Stat. 31, as amend; 7 U.S.C. 601–674)

Dated: October 16, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12425; Filed, Oct. 19, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17562; FCC 67-1144]

PRESUNRISE OPERATION

Class II Stations on U.S. I-A Clear Channels; Further Notice of Proposed Rule Making

In the matter of "presunrise" operation by Class II stations under presunrise service authorization on U.S. I-A clear channels; Docket No. 17562.

1. The Commission today adopted a memorandum opinion and order[1] generally affirming its June 28 report and order dealing with the operation of standard broadcast stations prior to local sunrise—Docket No. 14419, 8 FCC 2d 698 (1967). A matter left unresolved, however, is the presunrise status of Class II daytime-only and limited time stations operating on U.S. I-A clear channels and located to the east of the dominant assignment. The rules adopted in Docket No. 14419 exclude operation prior to local sunrise by Class II stations so situated.

2. Former § 73.87(a)(2), while somewhat ambiguous, was never intended to provide presunrise operating privileges for Class II stations located east of a cochannel U.S. I-A dominant station. Only two Class II stations in this category are known to be operating presunrise: WHCU, Ithaca, N.Y., and WHLO, Akron, Ohio. Both filed petitions for reconsideration of the June 28 report and order, as well as PSA proposals accompanied by eligibility waiver requests. Both seek to continue presunrise operation on the basis of 6 a.m./500 watts. WHCU (Cornell University) operates on 870 kc/s, to which WWL, New Orleans, holds the I-A nighttime priority. WWL is aware of the operation and thus far has not objected. Because of the northward directionalization of WWL's signal, WHCU would have to reduce power to 2.6 watts in order to afford 0.5 mv/m 50 percent skywave protection. In the case of WHLO, the dominant station (KFI, Los Angeles, Calif.) objects to continued presunrise activity. WHLO's situation is further complicated by adjudicatory proceedings in Docket No. 11290, in which Radio Station WOI is seeking a Special Service Authorization (SSA) for early morning operation at Ames, Iowa.

3. The above pleadings and waiver requests filed by WHCU and WHLO raise basic issues concerning the public value of such Class II usages vis-a-vis cochannel U.S. I-A nighttime services which they would inevitably limit, to some degree, and secondary issues going to the circumstances under which such usages should be allowed and the degree of skywave interference protection to be afforded to the U.S. I-A stations, which at present derive their basic protection from the exclusivity of the I-A nighttime priority within the North American Region.

4. We have accordingly concluded that the scope of this proceeding should be enlarged to explore the questions posed above. Authority for this action is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before November 20, 1967, and reply comments on or before November 30, 1967. All submissions by parties to this expanded proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments or other appropriate pleadings, except that the written submissions of Radio Stations WHCU and WHLO already on file in Docket No. 14419 will be considered in this proceeding and need not be resubmitted.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: October 11, 1967.

Released: October 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12427; Filed, Oct. 19, 1967; 8:47 a.m.]

[1] See F.R. Doc. 67-12428, in Notices Section, *infra*.

[2] Commissioners Bartley and Wadsworth absent; Commissioner Johnson not participating.

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-317]

ANNUAL REPORTING BY CLASS A NATURAL GAS COMPANIES

Notice of Conference

OCTOBER 13, 1967.

Annual reporting by Class A natural gas companies of 5-year forecasts of peak day and annual natural gas requirements and pipeline construction plans (§ 260.11).

On March 23, 1967 the Federal Power Commission issued a notice of proposed rule making in this docket proposing to require the filing of a new form for the annual reporting by the Class A natural gas pipeline companies of information relating to the 5-year forecast of peak-day and annual natural gas requirements and their construction plans. Twenty-eight natural gas companies, the Independent Natural Gas Association of America, and the Kansas Corporation Commission commented on the proposal.

The notice of proposed rule making provided that the persons filing comments could request a conference at the Commission to discuss the proposed form. Several of the parties have requested such a conference. Accordingly, notice is given that a conference for the purpose of discussing the proposed rule making in this docket will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 at 10 a.m., e.s.t., on October 31, 1967. Those parties who intend to participate in this conference should so notify the Secretary of the Commission on or before October 25, 1967.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12403; Filed, Oct. 19, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–B]

CONCORD GRAPES FROM CANADA

Antidumping Proceeding Notice

On September 18, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that Concord grapes imported from Canada are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Triple MMM Farms, Forestville, N.Y.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs regulations to determine the validity of the information.

A summary of information received from all sources is as follows: The information before the Bureau indicates the possiblity that the prices for export to the United States of Concord grapes from Canada are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 14.6(d)(1)(i) of the customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67–12412; Filed, Oct. 19, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–2786]

COLORADO

Proposed Classification of Public Lands for Multiple-Use Management

OCTOBER 12, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo. 81601; and Land Office, Bureau of Land Management, Room 15019, New Federal Building, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

EAGLE COUNTY

BLOCK "A"

T. 3 S., R. 83 W.,
Secs. 2 to 5, inclusive;
Secs. 15, 22, 26 to 35, inclusive.
T. 4 S., R. 83 W.,
Secs. 2 to 11, inclusive;
Secs. 13, 14, 15, 18, 19, 23, 24, 25, and 30.
T. 4 S., R. 82 W.,
Secs. 19, 20, 21, 28 to 34, inclusive.
T. 5 S., R. 82 W.,
Secs. 1, 2, 3, and 12, north of the Eagle River.

The public lands in this block described aggregate approximately 17,800 acres.

BLOCK "B"

T. 4 S., R. 84 W.,
Secs. 24 to 27, inclusive, south of the Eagle River;
Secs. 33 to 36, inclusive, south of the Eagle River.
T. 5 S., R. 84 W.,
Secs. 1, 2, 3, 11, 12, 13, and 24.
T. 5 S., R. 83 W.,
Secs. 6, 7, 18, 19, 20, 21, and 28.
The public land in this block described aggregate approximately 7,300 acres.

BLOCK "C"

T. 5 S., R. 81 W.,
Secs. 9, 10, 11, 12, 14, 15, 17, 18, 22, 23, 26, 27, and 34.
T. 5 S., R. 82 W.,
Sec. 12, south of the Eagle River;
Sec. 13.

The public lands in this block described aggregate approximately 4,200 acres.

The total areas described aggregate approximately 29,300 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Glenwood Springs, Colo. 81601.

4. A public hearing on the proposed classification will be held at 10 a.m., November 9, 1967, in the Eagle County Courthouse in Eagle, Colo.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67–12415; Filed, Oct. 19, 1967; 8:46 a.m.]

[C–2283]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411 18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 9998–9991), or at the public hearing at Montrose, Colo., which was held on August 11, 1967. The record showing the comments received and other information is on file and can be examined in the Montrose District Office, Montrose, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by serial No. C–2283 in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401 and at the Land Office of the Bureau of Land Management, Room

15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

DOLORES, SAN MIGUEL, MONTROSE, AND MESA COUNTIES

T. 41 N., R. 14 W.,
Secs. 3 to 9, inclusive;
Secs. 17 and 18.

T. 42 N., R. 10 W.,
Sec. 4.

T. 42 N., R. 14 W.,
Secs. 6 and 7;
Secs. 17 and 18;
Secs. 19 to 23, inclusive;
Sec. 24, W½W½;
Sec. 25, W½W½;
Secs. 26 to 35, inclusive.

T. 42 N., R. 15 W.,
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 36, inclusive.

T. 42 N., R. 16 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 15, inclusive;
Secs. 17 to 30, inclusive;
Sec. 32, E½;
Secs. 33, 34, and 35.

T. 42 N., R. 17 W.,
Secs. 1 to 5, inclusive;
Projected sec. 6, that portion north and east of Dolores River;
Projected sec. 7;
Secs. 8 to 18, inclusive;
Secs. 23 and 24;
Sec. 25, N½, SE¼.

T. 42 N., R. 18 W.,
Projected secs. 1 and 2; all lands north and east of Dolores River;
Secs. 12, 13, and 14; all lands north and east of Dolores River.

T. 43 N., R. 10 W.,
Secs. 6, 7, and 8;
Secs. 17 and 18;
Sec. 19, N½N½;
Secs. 20, 21, and 22;
Secs. 26 to 29, inclusive;
Sec. 33.

T. 43 N., R. 11 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 14, inclusive;
Secs. 23 and 24;
Sec. 26.

T. 43 N., R. 12 W.,
Secs. 1 and 2;
Secs. 4, 5, and 6;
Sec. 7, NE¼NE¼;
Secs. 8, 9, and 10;
Sec. 21;
Secs. 27, 28, and 29;
Sec. 34.

T. 43 N., R. 14 W.,
Secs. 6, 7, and 8;
Secs. 17 to 20, inclusive;
Sec. 31.

T. 43 N., R. 15 W.,
Secs. 2 to 15, inclusive;
Secs. 17 to 35, inclusive.

T. 43 N., R. 16 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.

T. 43 N., R. 17 W.,
Secs. 1 to 15, inclusive;
Secs. 18 to 36, inclusive.

T. 43 N., R. 18 W.,
Secs. 1 and 2;
Sec. 3, that portion north and east of Dolores River;
Sec. 4, that portion north and east of Dolores River;
Sec. 10, that portion north and east of Dolores River;
Secs. 11 to 14, inclusive;
Sec. 15, that portion north and east of Dolores River;
Sec. 22, that portion north and east of Dolores River;
Sec. 23, that portion north and east of Dolores River;
Secs. 24, 25, and 26;
Sec. 27, that portion south and east of Dolores River;
Sec. 34, that portion north and east of Dolores River;
Sec. 35, that portion north and east of Dolores River;
Sec. 36.

T. 44 N., R. 11 W.,
Secs. 19 to 35, inclusive.

T. 44 N., R. 12 W.,
Secs. 3, 4, and 5;
Secs. 8, 9, and 10;
Secs. 14 to 17, inclusive;
Sec. 20;
Secs. 22 to 27, inclusive;
Secs. 29 to 32, inclusive;
Sec. 35.

T. 44 N., R. 13 W.,
Secs. 5 and 6.

T. 44 N., R. 14 W.,
Secs. 1 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.

T. 44 N., R. 15 W.,
Secs. 3 and 4;
Secs. 6 to 11, inclusive;
Sec. 17;
Secs. 19 and 20;
Secs. 24, 25, and 26;
Secs. 29 to 33, inclusive.

T. 44 N., R. 16 W.,
Secs. 1 to 6 inclusive;
Secs. 9, 10, and 11;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Secs. 25 to 34, inclusive.

T. 44 N., R. 17 W.,
Secs. 1 to 36, inclusive.

T. 44 N., R. 18 W.,
Secs. 1 to 29, inclusive;
Sec. 30, that portion north and east of Dolores River;
Sec. 31, that portion north and east of Dolores River;
Sec. 32, that portion north and east of Dolores River;
Sec. 33, that portion north and east of Dolores River;
Sec. 34, that portion north and east of Dolores River;
Sec. 36.

T. 44 N., R. 19 W.,
Secs. 1 to 6, inclusive;
Sec. 7, portions north of McIntyre Canyon and east of Dolores River;
Sec. 8, portions north of McIntyre Canyon and east of Dolores River;
Sec. 9, portions north of McIntyre Canyon and east of Dolores River;
Sec. 10, portions north of McIntyre Canyon and east of Dolores River;
Sec. 11, portions north of McIntyre Canyon and east of Dolores River;
Sec. 12, portions north of McIntyre Canyon and east of Dolores River;
Sec. 13, portions north of McIntyre Canyon and east of Dolores River;
Sec. 24, that portion east of Dolores River;
Sec. 25, that portion east of Dolores River;
Sec. 36, that portion east of Dolores River.

T. 44 N., R. 20 W.,
Secs. 1 and 2;
Sec. 11, portions north of McIntyre Canyon;
Sec. 12, portions north of McIntyre Canyon.

T. 45 N., R. 12 W.,
Secs. 18, 19, and 20;
Secs. 28, 29, and 30;
Sec. 33.

T. 45 N., R. 13 W.,
Secs. 1, 2, and 3;
Secs. 11, 12, and 13;
Sec. 18, S½;
Sec. 19;
Sec. 24;
Secs. 29 to 32, inclusive.

T. 45 N., R. 14 W.,
Sec. 4;
Secs. 6 to 9, inclusive;
Sec. 13, S½;
Sec. 14, S½;
Sec. 15;
Sec. 16, N½;
Sec. 18; S½;
Sec. 19;
Secs. 22 to 35 inclusive;
Secs. 29 to 35, inclusive.

T. 45 N., R. 15 W.,
Secs. 1 to 8, inclusive;
Secs. 11 to 14, inclusive;
Sec. 15, S½;
Sec. 16, S½NW¼;
Secs. 17 to 34, inclusive.

T. 45 N., R. 16 W.,
Secs. 1 to 15, inclusive;
Sec. 16, N½;
Secs. 17 to 35, inclusive.

T. 45 N., R. 17 W.,
Secs. 1 to 36, inclusive.

T. 45 N., R. 19 W.,
Secs. 1 to 36, inclusive.

T. 45 N., R. 20 W.,
Secs. 1 to 36, inclusive.

T. 45 N., R 20 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

T. 46 N., R. 13 W.,
Secs. 19, 20, and 21;
Secs. 28 to 33, inclusive.

T. 46 N., R. 14 W.,
Secs. 1 to 29, inclusive;
Sec. 31;
Secs. 33 to 36, inclusive.

T. 46 N., R. 15 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Sec. 21, that portion south of San Miguel River;
Secs. 22 to 32, inclusive;
Secs. 34, 35, and 36.

T. 46 N., R. 16 W.,
Sec. 4, that portion south and west of San Miguel River;
Secs. 5 to 9, inclusive;
Sec. 10, that portion south and west of San Miguel River;
Sec. 14, that portion south and west of San Miguel River;
Secs. 15 to 23, inclusive;
Secs. 25 to 36, inclusive.

T. 46 N., R. 17 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 36, inclusive.

T. 46 N., R. 18 W.,
Secs. 1 to 36, inclusive.

T. 46 N., R. 19 W.,
Secs. 1 to 36, inclusive.

T. 46 N., R. 20 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

T. 47 N., R. 14 W.,
Secs. 19, 20, and 21;
Secs. 28 to 33, inclusive.

T. 47 N., R. 15 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 36, inclusive.

T. 47 N., R. 16 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Sec. 28, NW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½.

T. 47 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 47 N., R. 18 W.,
Secs. 1, 2, and 3;
Sec. 4, NE¼, NE¼NW¼;
Sec. 9, SE¼NE¼, E½SE¼;
Secs. 10 to 15, inclusive;
Sec. 19, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 20, SE¼SW¼, S½SE¼;
Sec. 21, S½SW¼, SW¼SE¼;
Secs. 22 to 36, inclusive.
T. 47 N., R. 19 W.,
Secs. 4 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 47 N., R. 20 W.,
Sec. 1;
Projected secs. 2 and 3;
Projected secs. 10 and 11;
Sec. 12;
Projected secs. 13, 14, and 15;
Projected secs. 22, 23, and 24;
Secs. 25, 26, and 27;
Secs. 34, 35, and 36.
T. 48 N., R. 15 W.,
Sec. 19;
Sec. 21;
Secs. 28 to 33, inclusive.
T. 48 N., R. 16 W.,
Secs. 3 to 10 inclusive;
Secs. 13 to 36, inclusive.
T. 48 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 48 N., R. 18 W.,
Sec. 1;
Sec. 2, lots 1, 2, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, and S½;
Sec. 3, lots 42 to 54, inclusive and S½;
Sec. 4, lots 4, 11, 13, 14, 22, 23, 24, 25, and S½;
Sec. 5, lots 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and S½;
Sec. 6, lots 7 to 16, inclusive and S½;
Secs. 7 to 29, inclusive;
Sec. 30, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 32, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Secs. 33 to 36, inclusive.
T. 48 N., R. 19 W.,
Projected sec. 1, unsurveyed lots normally designated as lots 9 to 16, inclusive and S½;
Sec. 8;
Projected secs. 9 to 14, inclusive;
Sec. 15;
Projected sec. 16;
Sec. 17, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, N½NE¼;
Sec. 22, N½, N½S½;
Sec. 23, N½, N½S½;
Sec. 24;
Sec. 25, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 31;
Sec. 32, SW¼SW¼.
T. 48 N., R. 20 W.,
Secs. 34, 35, and 36.
T. 49 N., R. 16 W.,
Sec. 7;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 49 N., R. 17 W.,
Secs. 1, 2, and 3;
Sec. 4, NE¼, S½NW¼, S½;
Sec. 5, E½SE¼;
Sec. 8, NE¼, E½SW¼, SE¼;
Secs. 9 to 16, inclusive;
Sec. 17, NE¼, E½W½, SE¼;
Sec. 19, E½;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, E½W½, SE¼;
Secs. 31 to 36, inclusive.
T. 49 N., R. 18 W.,
Sec. 36, E½.
T. 50 N., R. 17 W.,
Sec. 33, S½SE¼;
Sec. 34, S½.

The area described aggregates approximately 649,500 acres of public domain lands.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-12416; Filed, Oct. 19, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MIXTURE OF 3,4,5-TRIMETHYLPHENYL METHYLCARBAMATE AND 2,3,5-TRIMETHYLPHENYL METHYLCARBAMATE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Shell Chemical Co., a division of Shell Oil Co., New York, N.Y. 10020, a temporary tolerance of 0.2 part per million is established for residues of an insecticide that is a mixture of 3,4,5-trimethylphenyl methylcarbamate and 2,3,5-trimethylphenyl methylcarbamate in or on corn grain, fodder, and forage. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Shell Chemical Co. name.

This temporary tolerance expires October 13, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: October 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12435; Filed, Oct. 19, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FLORIDA TOMATO COMMITTEE

Selection of Members and Alternates

Pursuant to the provisions of Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the following producers, residents of the production area, are hereby selected to serve on the Florida Tomato Committee to represent their respective districts established under said marketing agreement and order, as members and alternates, as designated, for the term of office ending July 31, 1968:

District	Member	Alternate
No. 1	David E. Rutzke, 27305 Southwest 152d Ave., Homestead 33030.	David E. Barnes, 19100 Southwest 320th St., Homestead 33030.
	Herman Walker, 17511 Southwest 99 Rd., Perrine 33157.	Marvin Shaw, 30800 Southwest 162 Ave., Homestead 33030.
	R. C. Hogan, 17300 Southwest 90 Ave., Perrine 33157.	K. B. Walker, 16703 Southwest 90 Ave., Perrine 33157.
No. 2	Louis F. Rauth, R.F.D. 1, Box 729, Delray Beach 33444.	C. E. Hogan, Post Office Box 880, Vero Beach 32960.
	Rudolph Mattson, Room 211, Professional Bldg., Fort Pierce 33450.	Roy Neill, 914 Delaware Ave., Fort Pierce 33450.
	C. M. Cook, Route 1, Box 718, Pompano Beach 33060.	M. Wayne Collier, Post Office Box 417, Boca Raton 33432.
No. 3	Roy C. Miller, Post Office Box 420, Immokalee 33934.	Richard G. Mattson, 524 East Pasadena Ave., Clewiston 33440.
	Lewis J. Nobles, Jr., Post Office Box 805, La Belle 33935.	Claude Holland, Post Office Box 763, La Belle 33935.
	C. W. Sawyer, Post Office Box 1488, Naples 33940.	H. Clayton McDonald, New Market Rd. 1202, Immokalee 33934.
No. 4	Peter S. Harllee, Post Office Box 8, Palmetto 33561.	R. J. Taylor, Jr., Post Office Box 1057, Palmetto 33561.
	Buford W. Connell, Post Office Box 906, Ruskin 33570.	J. R. Foy, 412 31st St., West, Bradenton 33505.
	Harold E. Willis, Post Office Box 306, Ruskin 33570.	Donald L. Elsberry, Route 1, Box 228 A, Ruskin 33570.
No. 5	C. Aldridge Locke, Jr., Post Office Box 331, Wildwood 32785.	Donald P. Jones, Oxford 32634.
	Joseph L. Hurst, Oxford 32634.	T. P. Caruthers, Jr., Oxford 32634.
	J. H. Terry, Summerfield 32691.	R. M. Driggers, Pedro.

Each person selected shall qualify, in accordance with the provisions of said marketing agreement and order, and shall serve, subject to the provisions thereof, for the term of office for which appointed and until his successor is selected and has qualified.

Written acceptance of appointment hereunder shall be filed with the Administrator, Consumer and Marketing Service, or with his representative, hereby designated as M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802.

Terms used in this order have the same meaning as when used in said marketing agreement and order.

Dated: October 16, 1967.

WINN F. FINNER,
Acting Administrator.

[F.R. Doc. 67-12426; Filed, Oct. 19, 1967; 8:47 a.m.]

Office of the Secretary

NEBRASKA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Clay. Nuckolls.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-12409; Filed, Oct. 19, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1967, under the provisions of 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 10, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67-12398; Filed, Oct. 19, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Maine Yankee Atomic Power Co., 9 Green Street, Augusta, Maine 04330, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application, dated September 26, 1967, for licenses to construct and operate a pressurized water nuclear reactor designed for initial operation at 2440 thermal megawatts with a gross electrical output of approximately 827 megawatts.

The proposed reactor, designated by applicant as the Maine Yankee Atomic Power Station, is to be located at the applicant's 740-acre site in Lincoln County, Maine, on the west shore of the Back River about 3.9 miles south of Wiscasset, Maine.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of October 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-12396; Filed, Oct. 19, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18840]

STEPHENS INC., ET AL.

Notice of Hearing

Stephens Inc., Purdue Aeronautics Corp., and Purdue University.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 24, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information regarding this proceeding, interested persons are referred to the material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 16, 1967.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 67-12414; Filed, Oct. 19, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14419; FCC 67-1143]

GUIDELINES FOR PRESUNRISE OPERATING AUTHORITY WAIVER REQUESTS

Memorandum Opinion and Order

In the matter of amendment of the rules with respect to hours of operation of standard broadcast stations; Docket No. 14419, RM-268.

1. The Commission here has under consideration 23 petitions for reconsideration of the report and order and new rules adopted in the long-standing "presunrise" proceeding (8 FCC 2d 698, 10 R.R. 2d 1580, adopted June 28, and released July 13, 1967). Briefly, in that decision we abandoned the "permissive" use of daytime facilities before local sunrise by Class III stations (those on regional channels) and many Class II stations, both those licensed for daytime-only operation and unlimited time stations having different day and night facilities, which had prevailed under former § 73.87 since 1941. Under that arrangement, such stations could use their full daytime facilities before local sunrise, as early as 4 a.m. local standard time, unless and until such operation was terminated as a source of objectionable interference to an unlimited time station's licensed operation.[1] The decision substituted a licensing

[1] The permissive provisions of § 73.87 did not extend to Class III and Class II facilities authorized after January 1962, which were specifically conditioned against presunrise operation during the pendency of this proceeding.

Although § 73.87 did not specifically so state, as it was administered, Commission orders terminating a station's presunrise operation were issued only on the basis of complaints by full-time stations of interference to their licensed nighttime operations, after such complaints were examined by the staff and found to be well-founded under conventional nighttime propagation standards.

concept, contained in new § 73.99, under which such operation is specifically authorized under a Presunrise Operating Authority (PSA) from the Commission. PSA's are limited to 6 a.m. (local standard time) and after (with other restrictions on time as to Class II stations), and, regardless of the power authorized for daytime use, are limited to either 500 watts or whatever lesser power must be used to afford the required degree of protection to cochannel foreign stations. Domestic interference is not evaluated, it being minimized by the across-the-board 500-watt limitation.

2. The petitioning parties are listed in the appendix hereto (filed with the original document). They include Association on Broadcasting Standards, Inc. (ABS, a group of full-time Class II and Class III stations);[2] Daytime Broadcasters Association (DBA, a group of daytime-only stations); Clear Channel Broadcasting Service (CCBS, a group of 11 Class I–A clear channel stations); A. Earl Cullum, Jr. & Associates (a consulting engineering firm seeking only a modification or waiver of the remote control rule requirements); and numerous individual licensees (including Class III daytimers, Class II daytime-only or limited-time stations, and full-time Class III stations). As discussed below, except for ABS, CCBS, and Cullum (and to a very limited extent full-time Station KMA, Shenandoah, Iowa) the basis for the opposition to the new provisions is that they involve restrictions on presunrise use of daytime facilities compared to what these stations have done in the past under § 73.87, without being the subject of complaint. ABS is concerned about this and also about the effects of interference from presunrise operations; CCBS is concerned about interference to the service of I–A stations.[3]

3. Before discussing the pleadings in detail, we note one point raised in some of them, as well as in numerous informal objections to the new rule and requests for waiver. This is that, for daytimers, the rule provides for sign-on at 6 a.m. local standard time (i.e., what is sometimes called "nonadvanced" time, without the 1-hour advancement during the "daylight-saving time" period). This is 7 a.m. local time during half of the year, since, following adoption of the Uniform Time Act of 1966, "advanced" time has become all but universal in the conterminous 48 states.[4] This is not usually a significant problem in May, June, and July, when local sunrise is generally 5 a.m. (nonadvanced time, or 6 a.m. advanced time) or earlier; but it is an important matter in October, when in general it means that daytimers cannot sign on before 7 a.m. local time during most of the month, and to a lesser extent in September, August, and late April. This, it is urged, is simply too late in terms of the listening habits of the community.

4. We recognize this problem, and are attempting to deal with it. As we stated in the decision (report and order, appendix A, par. 28), a 7 a.m. sign-on does not appear sufficiently early to meet the need for local informational services which this proceeding has demonstrated. While the months involved are perhaps not those in which presunrise operation is most valuable to the public or to the station (as valuable, for example, as winter months of adverse weather conditions and the high commercial activity of the pre-Christmas period), we recognize the desirability of a uniform 6 a.m. sign-on. In keeping with traditional methods of expressing "sun time", the agreement with Canada concerning presunrise operation (TIAS 6268, formalized June 12, 1967) specifies 6 a.m. local standard time. We cannot unilaterally depart from it. However, steps are under way to explore with Canada the possibility of redefining the agreement in terms prevailing local time.[5] Overall, it is not believed that this would result in conditions of materially increased interference, since (as some parties point out), during the "advanced time" months (except for October), 6 a.m. local time is at least as close to local sunrise as is 6 a.m. standard time in winter. We propose to explore this matter with Canada in the near future.

5. *DBA petition.* DBA, while approving what it characterizes as our recognition for the first time that engineering yardsticks are merely one tool for, and the servant and not the master of, public interest determinations, urges that we did not go far enough, and that, while adopting the philosophy of the House of Representatives in enacting H.R. 4749[6] in 1962, in the interest of "compromise" we failed to carry this philosophy to a logical result. Its objection is to what is described as the "disastrous consequences of such rules on the public", through the reduction in existing presunrise operations they require. It is asserted that, while recognizing the necessity for and value of presunrise operation by daytimers, we failed to give it enough weight. It is said that consistency requires that if interference among U.S. regional stations is to be of no concern, reduction in time and power used for years without complaint is not necessary, and, a fortiori, interference to the service of very distant clear-channel stations should be similarly treated. It is stated that the cutback in power to 500 watts will cause loss of vital services in surrounding areas and even stations' own communities, and that the limitation to 6 a.m. will affect "a great preponderance" of daytime stations (particularly in rural areas having no full-time local service) which have been signing on at 4 or 5 a.m. It is also asserted that the reduction in power will be costly (sometimes requiring a new transmitter) and that many stations will have to reduce power to a level so far below 500 watts that presunrise operation will be useless both economically and in terms of service. Only two groups of stations, it is said, would benefit from the new rules: Those ordered terminated because of complaint, and those granted in recent years and automatically conditioned against presunrise operation.

6. Claiming that the Commission acted without sufficient information (particularly as to the prevalance of operation

[2] The ABS petition, which is 55 pages long, does not comply with § 1.106(f) of the rules, which limits petitions for reconsideration to 25 pages. On Aug. 31, 1967, ABS filed a request asking that its petition be considered despite its length, stating that this request was inadvertently omitted when the petition was filed. This statement was served on all other petitioners and has not been opposed. Considering the wide-ranging character of the decision, and also the fact that much of the petition consists of quotations and other historical material which could have been put in an appendix and would have been accepted as such, grant of the request appears appropriate.

[3] Oppositions and other responses to the petitions were filed by CCBS, KFI (Los Angeles Class I–A), Storer Broadcasting Co. (participating herein on behalf of WSPD, Toledo, and KGMS, Los Angeles), and KFAX, San Francisco. Replies to oppositions were filed by four daytime-only stations opposing Storer, and by two Class II stations (KOWH and WHLO). These pleadings relate chiefly to the Class I–A clear channels.

The Commission has also received a large number of informal petitions for reconsideration, formal and informal requests for waiver, objections, protests, etc., in relation to the new rule. These are not specifically dealt with herein, but the general guidelines for dealing with them are set forth. By and large, they involve the same arguments and situations as did the formal petitions for reconsideration.

[4] Although there seems to be some misunderstanding on the point, licensees may of course sign on at local sunrise when that is earlier than 6 a.m., as it is during a substantial part of the year. PSA's are only intended to afford relief during other months when sunrise occurs later.

[5] This would, of course, expose full-time stations (both domestic and foreign) to some additional skywave interference during certain months of the year, varying widely from station to station and channel to channel.

[6] H.R. 4749 passed the House but was not acted on by the Senate and therefore died with the 87th Congress. Paragraphs (a) and (b) of the bill provided that (subject to international considerations) stations could use their daytime facilities starting at 6 a.m. (local standard time), or 4 a.m. if they had done so before, but not where a full-time station in the same community, operating with licensed nighttime facilities, served the same area; a full-time station showing harmful interference from such operation (a fairly substantial showing was required) could get a hearing but the offending operation could be modified or terminated only after a showing in the hearing of such interference and that the action would serve the public interest. Under other paragraphs, daytime-only stations not eligible under the above could apply for presunrise operation and get it if the Commission determines that harmful interference to a substantial portion of another station's service area would not be caused; and the Commission was authorized to permit, by rule, daytime-only stations to operate presunrise and postsunset (with or without application). The bill's language probably did, as DBA asserts, represent a relaxation of existing standards as to what is objectionable interference; it did not require reduction in power of presunrise operations, and it made no distinction between regional stations and Class II stations on clear channels.

before 6 a.m.),[7] DBA asks that: (1) The Commission adopt the approach taken in H.R. 4749 (see footnote 6, above), except that its benefits not be limited to stations in communities without a full-time station (a distinction we found to present too many anomalies to be desirable); or (2) to stay the rules for 6 months insofar as they would require any reduction in existing presunrise operations by daytimers or fulltimers, and in the meantime conduct a searching inquiry, by questionnaire of all stations, as to the extent of presunrise operation, nature of the programing presented and reliance on it, the losses therein entailed by the curtailments required by the rules, the extent to which full-time stations received "objectionable interference" from such operation programed for the "loss" areas and the extent to which listeners therein have complained, and the effect of the rules on the economic ability of daytimers to compete with fulltimers and to provide local programing in the public interest. A similar inquiry of clear channel stations is requested, as to their programing aimed at potential inteference "loss" areas. DBA asks that the rules be allowed to stand as to stations which have not operated presunrise recently (the two groups mentioned above). As to the Canadian question, DBA notes that the July 1, 1967, effective date specified in the agreement has already been waived, and asserts that since Canada has acquiesced in nationwide U.S. presunrise operation for so many years, "it is inconceivable that Canada would refuse to agree to maintenance of the status quo for the period of the requested stay."[7a]

7. *ABS petition.* ABS attacks the decision herein on a number of grounds, including matters of both law and policy. Its chief concern, although by no means the only one, is the alleged failure to afford full-time Class II and Class III stations protection from interference from pre-sunrise operations. Its chief points may be summarized as follows (where appropriate they are discussed in more detail below): (1) The decision represents a reversal of sound technical views and concepts expressed by the Commission in earlier considerations of extended hours for daytimers (and in testifying on proposed legislation to the same effect); (2) the decision departs from the further notice (1962) proposal—which represented a compromise between scientific realities and the demands of daytimers—in a number of respects and thus the balance is defeated (most important, presunrise operation is permitted for daytimers without restriction as to whether there is a full-time station in the community, and instead of a diurnal curve for determining possible radiation, the only protection to full-time service in an inadequate limitation to 500 watts); (3) the decision represents a yielding of the Commission's traditional position as an expert agency in the face of dubious concept of "Congressional intent", which ABS asserts does not in fact exist (it is said that the real "will of Congress" is that we should use the expertise for which the Commission was created); (4) affording adequate protection to licensed service is not an insupportable administrative burden (this is what we were created for), especially since we are prepared to do it in connection with processing the new PSA requests with respect to interference to foreign stations (a disparity of treatment labeled as "arbitrary and capricious"); (5) our judgment, essentially that nontechnical factors outweigh the technical considerations which indicate greater losses than gains, is unsupported and wrong; (6) we erroneously rejected its scientific evidence, particularly its submissions in 1966 and 1967 of the results of skywave measurements (this was 3 years after the record was closed herein); (7) the new agreement with Canada is not what it purports to be—a supplement to NARBA as contemplated by section A, subsection 6 of Annex 2 to that treaty—but is a completely new agreement and thus of no effect until ratified by the Senate (ABS also expresses concern about the "secrecy" of the negotiations and the asserted "bypassing" of the Administrative Procedure Act); and (8) our legal position, that interference from presunrise operations (authorized without opportunity for hearing) does not infringe licensed rights, is wrong (ABS goes further and asserts that it is an infringement even after the full-time station's license has expired and been renewed).

8. In connection with the first point mentioned, ABS calls attention to our decisions in the late 1950's in Dockets 1274 and 12729, where we pointed out the losses in services resulting from presunrise operation and stated that daytime-only stations were intended to utilize spectrum space available after accommodating full-time stations. In connection with the third point, ABS refers to the failure of Congress to pass presunrise legislation despite a number of bills introduced, and to testimony on behalf of the Commission in opposition to H.R. 4749 (in its original form) and other similar bills, opposing them in part on the ground that the Commission had the expertise to deal with such matters, which do not lend themselves to the "broad brush" of legislative handling (ABS states that the Commission is also ignoring the statutory mandate of section 303(f) of the Act, failing to adopt rules to prevent interference between stations). With respect to the fifth point, ABS asserts that we attached erroneous importance to the daytimers' showings as to the value of service rendered, did not take into account the limited coverage daytimers have during these hours because of interference, overlooked ABS' showings as to the valuable wide-coverage service rendered by some of its members (said to be only examples), and in general emphasized the provision of community-limited service at the expense of service to outlying areas, with respect to weather and otherwise. As to the sixth point—rejection of its skywave measurement data—ABS calls this arbitrary and capricious, asserting that in the Skywave Measurement proceeding (Docket 10492, 10 R.R. 1562 (1954)) we rejected skywave measurements for adjudicatory purposes, stating that they would be considered "only in a general rule making proceeding". It is asserted that this is such a proceeding, especially since the further notice proposed a diurnal curve and called for comments on it, thus placing the matter in issue. If as a matter of policy we are not going to consider such measurements at all in a proceeding where they are relevant, this is said to be arbitrary, capricious and violative of section 4 of the APA. Recognizing that the measurement showings are not "definitive", ABS asserts that it has done what it could with its limited resources and the results should be considered; that a scientific solution is feasible and should be sought rather than adopting a mechanical approach.[8]

9. The argument as to the validity of the Canadian Agreement rests upon the language of the provision of the North American Regional Broadcasting Agreement (NARBA) which is cited in the agreement as authority for its adoption, and on the background of that provision. That section (subsection 6 of section A of Annex 2) defines "daytime operation" as being in general operation between local sunrise and local sunset at the transmitting station; however, "in particular cases" other daytime hours may be established "either in the present Agreement or in bilateral agreements, between the respective Contracting Governments, taking into account the location of the station it is intended to protect." ABS argues that this means agreements relating to particular stations, not whole classes of stations as dealt with here; and, also, that the "legislative history" shows that it was intended to permit agreements for restrictions on Class II stations after sunrise and before sunset ("critical hours") to protect Class

[7] It is asserted that daytimers do not have the resources to present information in formal filings to the Commission, and, also, that some of them were not aware of the proposal for Class II stations.

[7a] Roughly half of the presunrise operations conducted under former § 73.87 are not in accordance with NARBA protection standards. This is the crucial defect of the "permissive" concept of early morning operation, to which DBA does not fully address itself.

[8] The data advanced in 1966 and 1967 consisted of results of measurements made over three relatively short paths for a period of about 4 months, plus West German vertical incidence measurements made over about a 7-month period. ABS asserts that these measurements not only establish the inaccuracy of the diurnal curves proposed herein, but indicate the great potential for destructive skywave interference during the presunrise period.

I stations in other countries[9] (a subject later taken up between the United States and Canada in 1953, in Docket 10453). It is also asserted that during the late 1950's, when possible impact on the operating hours of daytime stations was one of the chief issues in connection with Senate ratification of NARBA, none of the many witnesses—many of them knowledgeable in this area—ever suggested that this provision could be used to modify NARBA in the present fashion. ABS' other legal arguments will be discussed later, in the conclusions herein.

10. ABS urges that our decision and the rule adopted be set aside, and renews its proposal, advanced during the proceeding, that a government-industry committee be set up to derive, from existing or new data, a suitable set of diurnal curves for evaluating operation during the transitional presunrise period. This, it is said, is the only way new daytimer presunrise operations can be permitted, and such operations by full-timers maintained, with a minimum of destructive interference. In the alternative, if the decision is permitted to stand, it asks certain specific relief for full-time stations which will now be using their directionalized nighttime facilities during presunrise hours (it anticipates that many will, rather than taking the 500-watt daytime-facility option). These specific requests are: (1) Relaxation of the remote-control and first-class operator rules, discussed below; (2) permitting such directionalized operations to radiate up to 124 mv/m in their "null" directions during the presunrise period rather than adhering to the lower values specified in their nighttime authorizations (this is the equivalent of 500 watts nondirectional radiation); (3) further rule making looking toward appropriate standards and procedures by which full-time Class II and III stations using daytime facilities presunrise before January 1962 could do so again (subject to the requirement of protecting foreign and Class I stations).

11. *Petitions relating to the regional channels; unlimited-time stations.* Eleven full-time regional stations were represented in petitions seeking reconsideration, all objecting to the restriction on full use of their daytime facilities before sunrise.[10] The only one making any specific showing was KMA, Shenandoah, Iowa, which operates with 5 kilowatts, directionalized at night, and for many years has used its nondirectional daytime facilities starting at 5 a.m. It objects to the requirement that it discontinue such operation.[11] It stresses the importance of its long-standing and extensive farm programing, and also of early-morning weather information in connection with agriculture and school and school-bus schedules, road conditions, etc., a service said to be of great importance to its widespread, largely rural audience and not provided by other stations. It is asserted that, because of the four deep nulls in its nighttime pattern, directional operation during these hours will mean loss of its present service to all or parts of nine counties (in three States), including areas quite close to its community and including 24 of the 111 school districts which rely on it for school-closing information. It is stated that operation under the "emergency" rule (§ 73.98) is not a substitute because its listeners depend on and look for its daily service, and their needs would not be met by "now and then" broadcasts. It is asserted that FM is no substitute either, since there is no channel available at Shenandoah in the FM Table of Assignments. KMA urges that this disruption of service, and "white areas" which will result, simply makes no sense; and that the need for early-morning service in rural areas—which we recognized in 1940 when we changed sign-on time for daytime-only stations from local sunrise to 4 a.m.—[12] still exists (it is asserted that in this area, unlike some parts of the country where stations have proliferated since, there are still few stations). KMA, while recognizing the enormous task confronting the Commission in this matter, asserts that nonetheless across-the-board "go-no-go" rules, of the type adopted, are simply not the answer to the differing needs of the various parts of the country (differing needs which licensees themselves are expected to ascertain and meet) and are not consistent with the mandate of section 307 (b). It is asserted that "pioneer" stations such as KMA unfairly bear the brunt of the resolution of this proceeding, being hurt in two ways—by the drastic reduction in facilities they will be required to undergo, and by increased interference from daytimer presunrise operation; and in both respects its "316 rights" are violated (its argument is elaborated in the conclusions herein). KMA asks that we "grandfather" existing 5 kw. regional operations to provide continued service in rural areas. It is pointed out that we have recently applied a "grandfather" approach in CATV matters with respect to the top 100 TV markets (not proceeding toward the removal of "distant" signals received before Feb. 15, 1966, even though off-air service in these markets is generally plentiful, almost by definition); and we should take the same approach here.

12. *Petitions by daytime-only regional stations.* Eleven formal petitions were filed on behalf of 20 regional daytime stations. Four of these stations make only the point about "6 a.m. local time", already discussed, and an argument concerning the language of § 73.99(f), which describes the PSA as "secondary" and terminable without notice or hearing if circumstances require. This is discussed below. The remaining 15 stations—as well as a large number of other daytimers who have filed informal petitions for reconsideration, requests for waiver, objections, protests, etc.—oppose the reduction in operating power or hours, or both, which the new rule will require as compared to their present presunrise operation, often of long standing. The arguments advanced are much the same as those detailed above. Except for two (WHUN and WXLW), the presunrise operations of these stations have not been the subject of an interference complaint, and it is asserted that such operation with full daytime facilities should be permitted to continue, at least until a complaint is received. The types of service emphasized are the same as those mentioned earlier—service to farmers and ranchers, weather information of importance to agricultural interests, schools, and the public, school-closing information, information for workers starting work at an early hour, etc.—and also matters such as Spanish language programing for Mexican workers in the area from 5 to 6 (KGNB, New Braunfels, Tex.). Several of the stations submitted letters from school officials, agricultural officials, and similar persons asserting the value of their service. WXLW, Indianapolis, calls attention to the 8,800 letters from listeners submitted earlier in the proceeding. Seven of the stations make specific mention of programing earlier than 6 a.m. (KXXX,

[9] This argument is based on certain documents prepared in connection with the negotiations leading to NARBA (Montreal 1949). The United States proposed a definition of "daytime" and "nighttime" which specified local sunrise and local sunset, without the additional language quoted above. Canada had no proposed definition; it did propose a change in the language of the previous NARBA (1937) provision concerning Class II stations, which defined "nighttime" as "from sunset to sunrise at the location of the Class II station." Canada proposed to delete this language, giving as its reason that it would be burdensome to either the Class I or the Class II station depending on the latter's location to the west or east, and to leave the definition of "nighttime operation" to the government concerned. These two proposals were considered together by a subcommittee, and one of the members from another nation suggested the idea of "critical hours" restriction on Class II stations. All three matters were summarized together in the subcommittee's report. ABS gathers from this material the view that the qualifying clause in this section of NARBA relates only to possible "critical hours" restrictions on Class II stations.

[10] Ten of these stations filed in two very brief petitions, simply questioning the legal effect and validity of the Canadian agreement (described as an important element in our decision) in the same manner as ABS, above, and asked that we reconsider and either "grandfather" existing presunrise operations, or, at least, provide for full use of such facilities rather than imposing a 500-watt limitation not required by the agreement. We note that nine of these are FM licensees (all but one on a wide-coverage Class B or Class C channel); the other is in a large city with multiple full-time AM and FM services.

[11] KMA asserts the value of its early-morning service and states that it signs on at 5 a.m. However, in comments in this proceeding (now incorporated by reference) it suggested a 6 a.m. starting time for presunrise operation, and it appears from the general tenor of the present petition that its chief complaint is against restriction on nondirectional operation, rather than the matter of time.

[12] On Oct. 14, 1941, this rule was modified into the provisions of § 73.87, which remained substantially unchanged until our recent decision herein.

Colby, Kans., as early as 4:30). Some assert that they will lose substantial revenues (the hours in question are said to be those most valued by advertisers); KXXX asserts that the 25 percent of its revenue which comes from "farm" accounts will be jeopardized, since such advertisers would not be interested in a station which cannot reach the wide rural audience which KXXX serves, during hours which are most important for farm listening.[13]

13. Some claim that this loss will impair their ability to present public-service and other programing in the public interest; KGNB asserts it will probably have to give up its Spanish programing. It is urged that a licensee takes each license renewal subject to the interference then existing and with the operating privileges it has had, and we are violating daytimers' licensed presunrise rights in order to reduce the interference which full-time stations took their renewals subject to. It is asserted that this restrictive action is taken with no showing as to what losses are actually caused by the interference from more extensive operation; and that we are acting too much from considerations of administrative convenience. In one case (WHUN, Huntingdon, Pa.) it is asserted that the reduction necessary under the Canadian agreement for that station, to 125 watts, is so drastic that, with the interference prevailing on the channel, the station can probably not even serve the city and it would hardly be worth while. The cost of reducing power is also mentioned. Not all of these parties have specific suggestions as to resolution of this matter except that the restrictions in the rules not apply to them; KXXX suggests (as did KMA) "grandfathering" all 5-kilowatt regional stations and KGNB suggests a general "grandfathering" or, at least, maintaining the status quo while the impact is studied and a suitable basis for continuing full-power operation is evolved.

14. For the most part, the 20 communities in which these stations are located have no full-time AM stations (Indianapolis and El Paso have multiple such services; there is a full-time regional (1 kw) at Watertown, N.Y.; three other places have Class IV stations, and one is very close to a city with full-time AM and FM service (Braddock Heights, Md.)). As to FM, nine of the 20 stations are FM licensees or permitees, and three others are in cities where there are unoccupied assignments available for them to apply for. In three of the communities (including Braddock Heights), there is no other station and no FM channels are assigned.

15. *Other pleadings concerning the regional channels.* Most of the responsive pleadings filed with respect to the petitions for reconsideration concerned Class II stations on U.S. I–A and I–B channels, and are discussed below under that topic. Storer Broadcasting Co., participating in the proceeding with respect to its Stations WSPD (full-time regional), Toledo, and KGBS, Los Angeles, filed a response in which it opposed DBA. Generally supporting our decision as against DBA's objections, Storer states its belief that the compromise reached leans too far away from engineering considerations in rejecting various proposals advanced by Storer, such as restricting presunrise operation to 250 watts rather than 500 watts and avoiding additional interference losses by confining presunrise authority to those stations which had previously engaged in it and whose listeners had come to rely on it (a position taken by Commissioner Cox in partial dissent from the decision). Storer concludes this portion of its response by asserting that, on reconsideration, we should limit the privilege to stations which have operated presunrise in the past, and limit it to 250 watts.

16. A joint reply to this pleading was filed by four daytimers (three regional and one Class II) authorized since January 1962 and thus conditioned against presunrise operation pending the decision in this proceeding. These stations oppose Storer's suggestion, asserting that their communities have the same needs for presunrise service as those where stations have been so operating, and that it would be highly unfair to place these newer stations—which need the economic benefit during the initial stages of their operation—at such a disadvantage compared to older stations. It is also asserted that Storer's suggestion should be rejected because it is an affirmative request for revision of the decision and thus should have been filed as a petition; treated as a petition it is obviously not timely. Of the four stations, two have no other AM stations or FM assignments, although one ((Hyde Park, N.Y.) is close to a larger city which does); one is in a city with a Class IV and FM station; and one is in a city with fulltime regional and FM service.

17. *Petitions and pleadings concerning Class II stations.* Five Class II stations petitioned for reconsideration, as did Clear Channel Broadcasting Service (CCBS), an association of 11 Class I–A licensees. One of the five is station WTPR, Paris, Tenn., a daytime-only station on 710 kc/s. Authorized for 250 watts power, this station is far enough away so that operating presunrise it does not cause interference (using nighttime standards) to the Class I–B station to the west (at Seattle), and therefore it has been signing on under § 73.87 at sunrise New York City or shortly thereafter. Its very brief petition simply raises the same arguments questioning the validity of the Canadian agreement mentioned above for certain fulltime stations, and asks that its present presunrise hours of operation be "grandfathered", and permitted to begin at sunrise New York City even when that is earlier than 6 a.m. local time (it does not specify what its actual hours have been). WTPR is the only AM station in Paris; it is a Class A FM licensee.

18. Two petitions by limited-time Class II stations on U.S. I–A channels (located west of the cochannel I–A's), as well as Storer's responsive pleading insofar as it relates to KGBS, raise the question of the time limitations, 6 a.m., applied to these channels. The Canadian agreement specifies "6:00 a.m., local standard time" as the earliest starting time for Class II, as well as Class III, presunrise operation, without any exception for U.S. I–A channels. However, as these parties point out, there are no Canadian stations on these U.S. I–A channels (660, 750, and 1020 kc/s), or, indeed, on any U.S. I–A channels. KOWH, Omaha (660 kc/s) seeks a sign-on time of 6 a.m. local time (which it now uses), and raises the point already dealt with in this connection. It also urges that, if necessary, stations in its situation should be notified internationally as "specified hours" operations, starting at sunrise at the Class I station or, at least, at 6 a.m. local "advanced" time when that is later than sunrise at the dominant station.[14] KMMJ, Grand Island (750 kc/s) which emphasizes farm programing and signs on at 5:15 a.m. when sunrise at Atlanta permits it to do so, makes much the same arguments as KMA, including those concerning the validity of the Canadian agreement and its rights under its license previously mentioned under KMA. It also asserts that the adoption of this restriction is illegal because the further notice herein, of November 1962, proposed to permit full use of daytime facilities by Class II's on U.S. I–A's, located west of the dominant station, without any restriction as to time; therefore, relying on this, it did not comment in the proceeding. It is also asserted that with KMMJ directionalized to the west so as to protect the Atlanta I–A station, and over 900 miles away, it in all probability does not cause any interference to that station after sunrise at Atlanta. It emphasizes its extensive and assertedly unique farm programing, and claims that hours before 6 are highly important to give the farmer needed information before he starts work. It is asserted that the other Grand Island full-time station (a Class IV) is so limited in coverage at night that it scarcely covers the city and cannot begin to reach KMMJ's wide rural audience, and it is said that FM service in

[13] KXXX also makes the point that, with most of its audience located in the central time zone although it is in the mountain time zone, 6 a.m. for it means 7 a.m. for most of its audience in the winter months and (under "advanced" time) 8 a.m. in the daylight-saving portion of the year. This, it is said, represents a tremendous loss in operating hours. This station makes many of the same arguments advanced by KMA, above, including the inadequacy of weather broadcasting under the "emergency" rule (it is asserted that, with its tremendous service area, the station's staff at Colby might not even be aware of real emergency conditions in another part of that area, and that the station cannot afford to maintain a "weather watch"). KXXX also stresses its great coverage, presenting announcements of livestock auctions in 69 counties in four States, school closing announcements for schools in 29 counties in three States, and official weather information for school districts in 21 counties.

[14] The request is in the alternative, for reconsideration or waiver.

the area is almost nonexistent, with few receivers, so that people could simply not get the same service and economic considerations preclude KMMJ's attempting to build an FM market. It is urged that the decision be set aside or at least modified to give "grandfather rights" to Class II stations west of cochannel U.S. I–A stations.

19. Storer's pleading on behalf of KGBS makes some of the same points concerning the absence of Canadian stations on these channels and lack of Canadian interest in any restriction on U.S. Class II stations on them. Storer also alleges what it considers the special status of "limited time" stations such as KGBS (KMMJ is so licensed also). It is asserted that the Canadian agreement's reference to use of "daytime facilities" only after 6 a.m. obviously refers to either daytime-only stations or full-time stations authorized different facilities day and night, and not to "limited time" stations, which (under § 73.23(b) of the rules) are authorized to operate not only daytime but during nighttime hours not used by the dominant station (where located east of the I–A station they may operate until sunset at the dominant station's location). Calling attention to our observation in the notice of proposed rule making in Docket 17562 (power limitation on Class II presunrise operation) that conditions on U.S. I–A channels are somewhat different from those on other frequencies, Storer states that this should apply to time as well as power, and asks us to declare that the 6 a.m. limit does not apply to these channels and adopt the rule proposed in the 1962 further notice herein.

20. The other two Class II petitions are from Class II stations located east of the dominant cochannel I–A stations and are precluded under the new rule from any operation before local sunrise—WHCU, Ithaca, N.Y., and WHLO, Akron, Ohio (both also have waiver requests pending). These stations have been engaging in presunrise operation starting at 6 a.m. or shortly thereafter, for some years, WHCU on the basis of an agreement with the cochannel I–A station (WWL, New Orleans)[15] and WHLO on the basis that, so operating, it does not cause interference within the 0.5 mv/m 50-percent skywave contour of the cochannel I–A station, KFI, Los Angeles, and therefore under its interpretation of former § 73.87 such operation was permitted.

21. WHCU asserts that our action adopting a rule precluding presunrise operation by stations in its situation is essentially illegal, because the matter did not receive much specific attention in the 1962 further notice (the text of the rule concerning Class II's was set forth in a footnote), it was not covered in the record in this proceeding, and our decision contained only brief references to the problem of protecting the skywave service of Class I–A stations.[16] Noting the fluctuating nature of skywave service with respect to time of year, and the small portion of total nighttime hours which are involved here, WHCU asserts that no order terminating existing presunrise service on the basis of interference to I–A skywave service can be adopted before certain questions are answered, as to whether the Class I–A's skywave service during this period merely duplicates what it has presented during earlier hours, the extent to which it is actually relied on (in view of its seasonally varying character) and is intended specifically for distant audiences who would lose its service through interference, whether destructive interference is actually caused, and the need for the presunrise operation in question. It is also asserted that our treatment of stations in this category differs arbitrarily from that of Class II station to the west of cochannel dominant stations, since we are allowing operations by the latter even though recognizing that it may cause some skywave interference to the dominant station to the east (Report and Order, Appendix A, footnote 9). Making the same argument mentioned above under ABS and others concerning the need for flexibility in administrative-agency determinations, WHCU asserts that, perhaps unlike the regional channels where a broad approach is required by the number of stations and situations involved, here there are only a few stations to be considered, and ad hoc evaluation is necessary before existing presunrise operations are terminated. WHCU in this petition and its waiver request asserts the value of its presunrise service (farm information, weather, etc., with special emphasis on the latter because Ithaca is in a "snow belt"), and submits some 30 letters from farm officials, school authorities, and others (e.g., Red Cross officials concerning emergency blood requests). It asks that we amend the rules to make Class II stations located east of cochannel U.S. I–A stations eligible for PSA's where they so operated before July 1967. We note that WHCU is a Class B FM licensee.

22. WHLO, Akron, bases its argument chiefly on the fact that a 500-watt presunrise operation would not cause interference within the skywave service area of KFI, Los Angeles; therefore, it is asserted, it was permissible under former § 73.87 and should be permitted to continue without disruption. It asserts that ad hoc consideration must be given to situations such as that of WHLO before existing operations are terminated. It is asserted that it has no impact on the service of KFI (which apparently did not know it existed) and that, even if termination would add to that station's service area it would merely be a new service, for which no need has been shown, at the expense of an existing and relied-on service.[17] WHLO's petition and its waiver request emphasize its position as the only Akron AM station not permitted full-time operation but having a wider presunrise service area than the others (it claims coverage of 18 counties in northeastern Ohio). WHLO is not an FM licensee; there are multiple full-time AM and FM services in Akron and close-by communities.[18]

23. *Filings on behalf of Class I–A stations.* CCBS sought reconsideration on behalf of its 11 I–A licensee members, agreeing with our decision to terminate presunrise operation by Class II stations on these channels to the east of the dominant station (noting its showings in earlier proceedings as to the losses from such operations to the wide-area service of Class I stations), and urging that the same principle be applied to those to the west, or, at least, that they be limited to 500 watts (or daytime power if less), a matter at issue in Docket 17562. It was also urged that such operation be only on the basis of a PSA duly sought and issued (none are required under the note to § 73.99(b)(1)). CBS, in a supporting statement, asserts that the Class I–A stations must be relied on to cover the new "zones of interference" which we recognized might occur as a result of our decision, and called attention to its complaint against Class II's operating after sunrise New York (but before their own local sunrise), which we recognized in the decision (Appendix A, footnote 9), as a potential source of interference to WCBS. CBS also objects to termination of what it believes to be the right of Class I–A stations to protection from undue interference under former § 73.87 (b), asserting that this was never contemplated in the proceeding and therefore adoption thereof is a violation of the Administrative Procedure Act.

24. CCBS also filed an opposition to the four petitions by Class II stations on I–A clear channels, described above.[19] As to KMMJ and its claim of public injury through the preclusion of early-morning farm service, CCBS (one of whose members is WSB, the dominant station on that channel at Atlanta) asserts that this is a balance between local service and interference which our decision considered and reached; that KMMJ has not shown how many farmers actually rely on its service earlier than the hours of sign-on permitted by the new rules;

[15] The first agreement was entered into in 1956. It has not been renewed for some years; therefore it is probably more accurate to say that the operation takes place in the absence of objection by WWL which has knowledge thereof.

[16] Report and Order, footnote 8a; Appendix A thereto, footnote 10.

[17] The sign-on hours would, of course, have to be keyed to sunrise at Class I–B Station CBN, St. John's, Newfoundland, under new § 73.99 and the Canadian Agreement.

[18] WHLO also asserts that KFI's service area is already limited by a Cuban cochannel station to a point closer to Los Angeles than WHLO's presunrise operation limits it; and that the absence of objection by KFI up to now to its operation cannot be explained by the 6 a.m. operation of WOI, Ames, Iowa, under Special Service Authority, since WHLO's operation occurs earlier (the WOI operation is the subject of a hearing concerning its continuation).

[19] KFI filed an opposition to the WHLO petition substantially similar to that of CCBS, stating it will oppose a waiver request by that station.

and that, while many Class II stations do not maintain farm departments, all of its I–A members maintain extensive farm operations and specialize in programing for small-town and rural America; that any extension of Class II operating hours beyond those permitted by the new rules would destroy the vital skywave and groundwave services of Class I stations; and, indeed, the best solution to providing farm and weather service to rural America would be to eliminate all presunrise operation by Class II stations on U.S. Class I–A channels. With respect to WHCU's argument based on lack of objection by the dominant station, CCBS urges that it is not in the public interest—and, indeed, may well be an impermissible delegation of the Commission's duties under sections 303 (c) and (f)—to have rules which permit licensees to agree on operation which causes destructive interference contrary to the public interest. With respect to the "6 a.m. local time" argument, CCBS urges that since standard (nonadvanced) time is in accord with the pertinent physical facts relative to interference, it should prevail as the rule now provides. As to WHLO, CCBS urges that we should adhere to "a sound, long-standing Commission policy" prohibiting presunrise operation by easterly Class II's on I–A channels, and that this single situation should be considered on a waiver basis if at all. It is asserted that permitting presunrise operation by eastern Class II's will cause a large part of the country to lose all AM service because of interference; it is asserted that, since 6 a.m. Akron is 3 a.m. Los Angeles, this is nighttime, not transitional, operation in wintertime, and would result in an "intolerable" loss of skywave service and illegal modification of KFI's license from Class I–A to Class I–B status. Referring to our earlier statements stressing the importance of clear channel service and of allowing it to be received wherever it can be, free of interference, CCBS asserts that neither KFI nor the I–A station at Salt Lake City should be "duplicated" in any fashion, since they are the only I–A stations in the West, where the bulk of the "white area" is, and provide early morning skywave service beyond their 0.5 mv/m 50-percent skywave contours. The fact that WHLO has been engaging in such operation "in violation of the Commission's rules" is no reason to continue to deprive listeners in the "white area" of this skywave service.

25. Storer in its pleading labeled CCBS' suggested prohibition of presunrise operation by western Class II's as without foundation, since such operation has historically taken place. KOWH and WHLO replied to CCBS' opposition to their petitions, the former merely repeated the allegations in its petition concerning the desirability and significance of 6 a.m. "local time" sign-on and asserting that CCBS has not refuted them. WHLO asserts that the "interference" caused to KFI by its presunrise operation is of little significance, considerably less than that permitted on the decision for stations on regional channels, since it is not within KFI's "secondary service area", and the listeners affected, if any, would be affected in the dead of night (3 a.m. Pacific time and after).

CONCLUSIONS

26. *The regional channels.* After careful consideration of the pleadings discussed above, it is our view that with respect to the regional channels, our decision herein of June 28, 1967, and new § 73.99 of the rules adopted therein, should be affirmed without change, with the understanding that an effort will be made to redefine the 6 a.m. sign-on in terms of prevailing local time. In reaching this determination, it is appropriate to make some observations concerning this proceeding and the nature of the decision reached before.

27. Former § 73.87, the long-standing "permissive" rule, was adopted in October 1941, when there were a relative handful of AM stations compared to the present number—882 altogether compared to some 4,250 today, and, in particular, 60 daytime-only stations compared to some 2,180 today, 1,214 of them on regional channels. The rule worked reasonably well for a number of years, permitting presunrise use of daytime facilities without generating a substantial number of interference complaints. It appears that the vast majority of regional daytimers, and many fulltimers, took advantage of the rule. However, by the late 1950's this had ceased to be true. The number of complaints was markedly increasing (in part, at least, because of the increased number of stations), and, under the procedure then used, these generally led to automatic, and summary, termination of the operation complained of, to the annoyance of the station and often of its public who had come to rely on it.[20] The uncertain status of operation under section 73.87 was underlined in 1961 by the decision of the U.S. Court of Appeals for the District of Columbia in WBEN, Inc. v. FCC, 290 F. 2d 743, which held, in effect, that unless we were prepared to condition a grant of improved daytime facilities against use thereof before local sunrise, an unlimited-time licensee able to show that such use would cause it interference under our regular nighttime standards had standing to object to the grant and a right to a hearing on the question of interference.

28. There were also international considerations. The language of the 1937 NARBA was somewhat ambiguous, but its successor, the 1950 NARBA, contained the very precise language, in paragraphs (a) and (b) of subsection 6 of section A of Annex 2, that "Daytime in general means operation between the times of local sunrise and local sunset at the transmitter location of the station" (subject to possible supplemental agreements discussed below) and "Nighttime is operation at any other time". The agreement also provided, of course, for notification procedure. Therefore, when this treaty entered into force in 1960 (after ratification by the U.S. Senate), this country was faced with the necessity, in compliance with its international undertakings, of bringing presunrise operation—which is operation during nighttime hours—into conformity with the new agreement, including notification. As ABS showed in its comments in the proceeding, observance of NARBA requirements with respect to Canada would have required a large number of existing presunrise operations to be terminated or, if lesser powers could be used, sharply curtailed in power.

29. Both of these developments made it considerably less than certain that, just because a particular presunrise operation had been conducted without complaint in the past, it would continue to take place without complaint or international problems. Also, in 1961, Storer Broadcasting Co. (licensee of WSPD, Toledo, on behalf of which it had filed a number of presunrise complaints) filed a petition asking for certain changes in the procedures followed under § 73.87, some of which were proposed in the original notice herein in December 1961. A number of daytimers opposed the petition and the notice proposals because it was believed they would make easier the filing and perfecting of presunrise complaints by daytime-only stations, which, indeed, did appear to be one of the purposes of the petition.

30. With all of the domestic and international uncertainties and anomalies that had developed by 1962, it appeared highly desirable, if not imperative, that whatever presunrise operation was to be allowed in the future should be on a more orderly basis. Also, there were developments of a more substantive nature. The increase in presunrise complaints appeared to indicate a feeling that general presunrise interference conditions on the channels were becoming worse, just as we observed them to be in the nighttime AM service generally.[21] In July 1962, the House of Representatives passed H.R. 4749, which appeared to indicate that body's belief that the rather strict nighttime engineering standards which had been used in evaluating presunrise service and interference, both in general "extended hours" rulemaking proceedings in the late 1950's and in passing on presunrise complaints, should be applied somewhat-less rigidly and automatically (see footnote 6, above). In light of these developments, we restudied the situation during that year, and in November 1962 issued the proposal contained in the further notice herein, which appeared to us to represent a suitable balance between two conflicting considerations—on the one hand, the fact that daytimers often render valuable locally oriented service during these hours, with respect to news, weather, etc., and, on the other hand, the fact that such operation, taking place

[20] As we pointed out in the decision, by 1967 there had been complaints filed by and against stations on 25 regional channels, compared to only 15, 3 years before.

[21] In May 1962, we imposed a "freeze" on the acceptance and grant of most AM applications.

during nondaytime hours, does cause substantial interference. The solution finally adopted differs somewhat from that proposal, in light of the record, but it still nonetheless represents—as it must—a compromise.

31. As noted, almost the sole ground of complaint of the regional channel petitioners (other than ABS) is the restriction on their operation compared to what they have used up to now, with respect to power (they have been using full daytime facilities, and most are authorized more than 500 watts) or time (some have been operating earlier than 6 a.m. Local time) or both. With two exceptions, the stations have been operating without interference complaints, and the question is asked as to why such curtailment, and disruption of relied-on service, should therefore be required. The answer lies in the necessity for reaching a balanced compromise of conflicting interests within the framework of this country's international obligations concerning the notification to foreign countries of standard broadcast operations, and proscribing such operations when they cause objectionable interference to foreign cochannel stations. Both in the further notice proposal and in the decision adopted, we set forth an arrangement which would preclude full-time regional stations from the right which they had hitherto had, of filing interference complaints where they believed the matter serious enough to warrant the effort (which included reversion to their own nighttime facilities). This had been one means of affording a measure of protection to licensed unlimited-time services. With its removal, some other method of providing a degree of protection was required. This was achieved by limiting all presunrise use of daytime modes of operation to 500 watts, or lesser power if necessary to afford foreign protection.[22]

32. This reduction may result in some loss of existing presunrise service (particularly, perhaps, in the case of 5-kilowatt operations now restricted to 500 watts) but it is necessary if the compromise and balance are to be maintained. We also point out that the general power cut-back means a reduction in interference; and, as we observed in Appendix A to the report and order (paragraph 26), interference conditions on many channels may well be improved, so that a given amount of power will produce usable service over an area as great or greater than that served now with a higher power. The same general considerations apply in the case of KMA, Shenandoah, Iowa, which seeks to use full daytime facilities instead of nighttime directional facilities. It may be that there will be some loss in service presently provided, to those areas which are in the "nulls" of the nighttime pattern; but overall service may well be improved. If KMA wishes to concentrate on the "null" areas, it has an option of using 500 watts nondirectionally.[23] We also point out that, while the overall power restriction is not required by the Canadian agreement, many regional stations would be limited to power of this level, or only slightly more, by the requirement of protecting Canadian and other foreign stations, which we are not in a position to waive.

33. We cannot accept the contention of DBA that—in order to "grandfather" existing operations, particularly daytimers—we should treat engineering standards of protection to licensed service any more lightly than we have in the decision. To do so would be to take too lightly the apprehension expressed by ABS—that local presunrise service by daytimers is being accommodated at the expense of wide-area coverage by full-time regional stations to rural areas which have no stations at all. DBA alleges inconsistency in our deciding that interference on the regional channels is "of no concern" and then imposing a 500-watt limit on existing operations. Interference is not "of no concern"; it is simply that, in our judgment, a limitation to 500 watts is a reasonable, and easily administered interference control device. Possible consideration of greater power, on a waiver basis, is discussed below.[24]

34. With respect to operation before 6 a.m., as mentioned, some of the contentions on this subject concern only changing the rule from 6 a.m. standard time to 6 a.m. "local" time (i.e., advanced time). As mentioned above and in the notice of proposed rule making adopted herein, we are presently of the view that, at least for the regional channels, this is appropriate, and propose to amend the rule in this respect if it can be accomplished internationally. As to operation earlier than that, such operation is precluded by the Canadian agreement unless, of course, the operation would be free from foreign interference considerations so as to be capable of being considered on a regular application and notification basis (it is believed that few are thus susceptible). This is discussed below in connection with possible waivers. Moreover, this was also a term of the further notice proposal, and is one we would likely adopt for domestic purposes also, even in the absence of foreign considerations. As we mentioned in the decision (Appendix A to report and order, par. 27), we are not persuaded that, in general, earlier operation has enough public interest to warrant the extensive interference entailed during the pre-6:00 a.m. period, when interference conditions more closely approach, or equal, full nighttime conditions.[25] Like the matter of power, this is part of the balance and compromise which must be reached.

35. One thing we note in connection with our decision, although not necessarily a determining factor in it, is the general availability of the FM service. As pointed out above, of all daytime regional stations filing formal petitions, almost half are FM licensees or permittees, in most of the communities there is FM service, and in all but three there are FM channels assigned (one of these probably could get an assignment; two could not).[26] An FM assignment could be found for Shenandoah, Iowa, and, as mentioned, all but one of the other petitioning full-time regional stations are FM licensees or permittees (the one is in a city with multiple FM services). The same is true, although perhaps to a lesser extent, of stations filing informal petitions or formal or informal waiver requests, objections, etc. We will shortly institute rule-making looking toward making assignments available in their communities, if none is there now, and it appears that an assignment is warranted. In this connection, two plains-area stations (KXXX, Colby, and Class II station KMMJ, Grand Island) assert that this simply is not the answer in their areas, where there is little or no FM service and therefore very few receivers. We note, however, that at Colby another party recently foresaw enough interest to petition for assignment of a wide-coverage Class C channel there (which was done), and another Class II station in Nebraska (WJAG, Norfolk, a town smaller than Grand Island) is an FM permittee. But, whether or not FM is available or viable in a particular case, we believe the limitations previously adopted, and affirmed herein, must be applied if the balance struck—which appears to be the best available—is to be maintained.

36. As indicated above, in general the parties commenting concerning the regional channels seek "grandfathering" of existing operations—their own, their general class of station, or all existing

[22] Two of the petitioning daytimers complain specifically of the low power they will be required to use to meet the requirements of the Canadian agreement with respect to cochannel Canadian stations. Such complaints cannot of course be considered. We point out in this connection that the provisions of the agreement, and Figure 12 adopted in the new rules, are substantially less restrictive than NARBA; if these stations were required to conform to NARBA requirements they would be limited to even lower power if permitted to operate at all.

[23] Station KFNF, full-time, is licenced to provide nondirectional 500-watt service at night at Shenandoah.

[24] In this connection, it should be observed that the difference in service area between 500 watts, and a higher power, is not necessarily as great as might appear. One informal waiver request stated that the reduction from 1 kw. to 500 watts would cut the station's service radius in half. This is not the case. In one formal waiver request, supported by engineering (KLIK, Jefferson City, Mo.) it is shown that with 500 watts the interference-free presunrise contour would extend about 10 miles from the transmitter, compared to about 16 miles with 2.18 kw. and 20 miles with 5 kw.

[25] As mentioned in footnote 11, above, KMA, which is one of the stations stressing its farm programming, signs on at 5 a.m.; but in its earlier comments in this proceeding it appeared satisfied with a 6 a.m. sign-on.

[26] Caruthersville, Mo., can receive an assignment; the two communities which cannot are Braddock Heights, Md., and New Braunfels, Tex. The former is almost adjacent to Frederick, Md., as noted above; the latter is about 30 miles from San Antonio, and thus within the service range of clear channel Station WOAI and numerous San Antonio FM stations.

presunrise operations. DBA requests (if we do not adopt its sweeping suggestion for resolution of the proceeding) that we undertake an elaborate survey, by questionnaire, into programing and other matters concerning all stations involved in this proceeding, meanwhile staying the rules for 6 months except permitting stations not hitherto authorized presunrise operation (or terminated on complaint) to operate under the new rules. ABS asks that the decision and rules be set aside pending study of transition-period propagation conditions, and development of a suitable diurnal curve, by an industry-government effort.

37. For reasons set forth above, we do not consider "grandfathering", as such, a possible solution, because it is not consistent with the balance arrived at herein, which we believe to be an appropriate one. Also, to the extent it would permit the continuance of operations causing objectionable interference to foreign stations (which many would), it would be inconsistent with this country's international obligations. Moreover, "grandfathering" would almost necessarily involve withholding of presunrise privileges from new stations, a course we considered in the decision and decided not to adopt (Appendix A to report and order, par. 25). As to suggestions that, essentially, we withhold the decision herein pending studies of various types, this too cannot be considered seriously. For one thing, continuation of operations which do not comply with treaty obligations is precluded by the manifest need for international reciprocity in frequency management.

DBA's suggestion (par. 6) that Canada would, or should be asked to, agree to maintenance of the status quo pending the 6 month's study requested, is hardly appropriate for consideration at this juncture. Moreover, in connection with this request, it seems hardly likely that the survey requested by DBA—involving thousands of stations and a vast and somewhat amorphous amount of information—could be completed in 6 months, or indeed satisfactorily at any time in the near future. Our experience with other questionnaire surveys, involving fewer respondents and narrower and more specific points, is to the contrary. ABS' suggested study also is not one which could be completed in a short time, nor is it likely that the data yielded would be more than cumulative.

While we will consider specific proposals for the gathering of meaningful information in either of these areas, and indeed welcome them, they cannot be the basis for not deciding this proceeding now.

38. Conceivably, international considerations aside (i.e., with respect to operations conforming or made to conform to all pertinent international requirements) we could consider one of two alternatives to the decision reached. The first of these is a complete return to the 73.87 status quo, with the rough, though not happy, balance reached thereunder. This would necessarily mean honoring interference complaints, including more than 60 filed and not acted on prior to our decision, on a summary basis; otherwise, in our view, there would not really be a balance and fulltimer service would be subject to undue interference overall. It might well mean that all, or most, applications for new or increased facility daytime-only stations would have to be the subject of hearings, under the WBEN case, supra, since virtually all regional daytimer presunrise operations cause objectionable interference, under our nighttime interference rules, to one, or usually more, full-time stations. This "permissive" system has proved considerably less than satisfactory during the last years of its existence, and we see no reason to return to it (interference complaints, of course, might well be even more numerous because, for international reasons, the Commission would have to have information, not easily available at present, as to the exact extent of the presunrise operations of various stations).

39. Alternatively, the other possible course would be to proceed on what might be called a modified "grandfather" basis, such as, perhaps, reducing power on a proportionate basis (5 kw. operations to 2.5 kw., etc.), or using 1 kw. instead of 500 watts as the ceiling. However, this has not been suggested by any party on reconsideration, and we believe it would necessarily involve withholding presunrise rights from stations which have not so operated before, if the balance is to be even roughly approximated. This we have rejected before and do again (see Appendix A to report and order, par. 25).[27]

40. ABS and DBA present a number of related, but opposite, arguments against various aspects of our decision. DBA asserts that we failed to carry out the philosophy of H.R. 4749 to a logical conclusion in the public interest; ABS asserts, on the other hand, that there is no "will of Congress" in this area, except that we use our expertise, and that we mistakenly thought there was and abandoned our expert judgment in favor of a "broad brush" approach. The answer to both is that one House of Congress, in 1962, passed a bill, and in connection with deliberations leading to it we expressed our willingness to restudy the matter. The result of that restudy was a tentative view that daytimer presunrise operation rendered a more significant service, placed in comparison to the losses it causes, than strict evaluation by traditional nighttime engineering standards would indicate, a view much the same as that of the House at that time.[28] As the ensuing proceeding developed, this view appeared to be justified, and was adopted in the decision, which, as mentioned, struck what we believed, and still believe, to be an appropriate balance. ABS asserts that we wrongly did not adhere to sound engineering principles; DBA apparently would have us dispense with them entirely as far as protection of full-time regional service is concerned. Again, we have struck what we believe to be the most appropriate balance between these positions, in light of our restudy and the ensuing record made in this proceeding. ABS also criticizes our action as departing from the further notice proposal (which itself represented a balance), in permitting presunrise operation by all daytimers rather than just those in communities without a full-time station, and employing only a flat 500-watt limit (said to be inadequate) as a protection from interference. The reasons for this were discussed in the report and order (par. 19) and Appendix A thereto (pars. 24 and 40) and do not need repetition here; we believe the balance arrived at is a sound one. ABS also asserts that we attached too much weight to the "nontechnical" aspects of daytimer service showings and too little to those of fulltimers (mostly its members), while DBA insists that we acted with too little information as to the value of existing presunrise service by daytimers. We had the benefit of submissions by numerous stations on both sides, and gave it appropriate weight. As noted in the decision (Appendix A, pars. 1, 6, 11, 16, 17), the daytimers made somewhat more persuasive showings as to the extent to which listeners rely on their service.

41. ABS also attacks our exclusion of its late-submitted skywave measurement data. Our rejection of this material was because—being limited in nature (see footnote 8, above)—it did not materially help as a tool in the resolution of this proceeding. We did not say in the decision, and certainly do not say now, that skywave measurements will never be considered in rule-making; but these, limited as they were, did not appear either to serve as a useful tool for evaluating transition-period conditions or to afford reason to postpone decision of this long-standing and important proceeding any longer.[29] As we stated (Appendix A to report and order, footnote 17), the protections against interference adopted appear adequate and reasonably simple, and, also of some importance, they afford the basis for a decision now.

42. We are also criticized—both by ABS and by parties stressing maintenance of their present operations—of adopting a too general and sweeping treatment (after having said Congress should not do so in this area), without proper regard for the need of maintaining existing service, or of avoiding undue interference, in particular situations, in the interest of "administrative convenience". These contentions are without

[27] As the four stations filing in opposition to Storer point out (par. 17) communities with new stations have the same needs as those with older stations. We likewise agree that the withholding of presunrise privileges from new stations was not properly raised by Storer (the only party mentioning it) in a timely petition for reconsideration; and, in any event, it was raised only in connection with restricting presunrise operation, not as a means of permitting greater presunrise operation by older stations.

[28] Clearly, the restudy of 1962 was prompted in part by Congressional sentiment on the subject. However, the result, as set forth in the further notice and later in the decision made in the light of the record, reflects our best judgment of the matter.

[29] For a discussion of the Commission's position on the subject of skywave measurements, see the decision in the Skywave Measurement proceeding, Docket 10492, 10 R.R. 1562 (1964).

merit. We pointed out in the decision (Appendix A to report and order, par. 30) that case-by-case consideration in this area would involve unbelievably staggering burdens, and create cases of extreme complexity. This is true because skywave interference—which is involved here—is of a long-distance character; a single station may affect, or be affected by, many stations in various directions. This discussion in the paragraph cited covers the point. With respect to ABS' contention that this is in arbitrarily sharp contrast with out individual analysis of foreign interference problems in connection with PSA requests, the two subjects are not of the same magnitude at all. A fairly high percentage of PSA requests can be evaluated almost automatically, in view of the great distances of most U.S. stations from foreign stations, a situation which would seldom prevail in domestic situations on the crowded regional channels. Also, there are usually only two or three foreign stations in each country on each channel to be considered, and there is a fixed standard (Figure 12 for Canada; the United States/Mexican Agreement for Mexico), against which each proposal is evaluated. Domestic analysis would be completely different, and, no doubt, would have to take in the "nontechnical" factors mentioned. Even so, the staff is currently spending more time on the PSA review than could be devoted on a continuing basis. As to ABS' contention that we have ignored the mandate of section 303(g) of the Act, directing us to make rules to prevent interference between stations, such a rule has been adopted, by virtue of the time and power limitations imposed on presunrise operations.

43. *The Canadian agreement.* As mentioned, ABS and a number of other parties attack, or at least question, the validity of the Canadian agreement referred to and incorporated in our decision and the new rules. It is asserted that it was negotiated in secrecy, without the opportunity for public analysis and participation (in contrast, for example, to the "Canadian Daytime Skywave" proceeding of 1953, Docket 10453); that it is a bypassing of the Administrative Procedure Act's rule-making provisions; and that it is not yet valid because—not in fact being (although purporting to be) a supplemental agreement to NARBA—it is not in effect until ratified by the Senate.

44. The first two contentions merit little discussion. As to the APA argument, that Act specifically exempts matters which are "a military or foreign affairs function" from its rule-making provisions. This is clearly a "foreign affairs function". As to the conduct of the negotiations, the manner of conducting these is a matter for the pertinent agencies of the governments involved. In some cases, public participation may be in the general interest of all concerned; in others, not, and in this case the latter appeared to be true.

45. As to the status of the agreement, despite the argument (set forth earlier) that it is not a "bilateral agreement between the respective Contracting Governments", as contemplated by subsection 6, section A, Annex 2 of NARBA, we believe that it is. This view has been and is shared by the Department of State (which was involved in the negotiations) and by the counterpart Canadian agencies. In our view, the language "particular cases" mentioned by ABS and above (together with the later language concerning "taking into account the location of the station it is intended to protect") does not limit that subsection's meaning to agreements involving only one or a few stations, but permits agreements covering classes of stations such as the one here. The "legislative history" cited by ABS may indicate, though certainly not conclusively, that the intent of the NARBA conferees was to provide for further understandings concerning skywave protection during "critical hours" to Class I stations in the other country; but there is no reason why, later, if the governments involved agree to something else which is within the scope of the language, such agreement does not fall within the pertinent language. We hold the Canadian agreement to be a valid "bilateral agreement" within the meaning of the section cited, and therefore valid when executed by an exchange of notes, without Senate ratification.

46. However, a decision on this point is not necessary to the present consideration. We point out, first, that the agreement and associated standards (Figure 12 of the rules) are substantially less restrictive than the nighttime standards of NARBA which would otherwise apply; if the latter were applicable instead, it might be necessary to impose further cutback, or termination, on a large number of presunrise operations, both daytime and full time. The general reduction to 500 watts is, of course, not a term of the agreement; this rests on our own consideration of domestic interference conditions and means of dealing with them. As far as the 6 a.m. restriction is concerned, we will endeavor to get the agreement clarified or modified to specify 6 a.m. "local time"; as far as operation before 6 a.m. is concerned, this restriction was a proposal in the further notice, set forth and later adopted for domestic reasons already discussed, and would probably be considered appropriate for adoption irrespective of the agreement. The agreement followed efforts on our part, which began in 1964 and developed with reasonable satisfaction, to obtain the necessary approval for a "presunrise" arrangement along lines which seemed to us (after considering the record in Docket 14419) to be most in the public interest.

47. *Legal considerations.* The legal arguments raised by various parties are, essentially, the same as those advanced earlier and considered in the decision (Report and Order, pars. 20, 22; Appendix A, pars. 32–33). It is urged by ABS and KMA that the condoning of additional interference without hearing violates section 316 rights, and, also, by KMA and other parties wishing to retain their existing presunrise operations with full facilities, that their licenses are being modified in violation of that section if this operation is curtailed. ABS takes the position that permitting additional interference entails reduction in a station's service area and therefore, in effect, its power, a reduction which cannot be accomplished without going through proper hearing procedures. It regards the situation as quite different from those in American Airlines v. CAB, 359 F. 2d 624 (1966) and California Citizens Band Association, Inc. v. U.S., 375 F. 2d 43 (1967), which are thus said not to be applicable. It is also said that the American Airlines principle, carried to its logical extreme, would permit the Commission, by general rule-making, to wipe out a station's entire service area, which demonstrates the principle's inapplicability here. Other parties assert that presunrise operation is a term of the license and cannot be taken away without hearing, at least in the absence of complaint; it is asserted that the existence of interference sufficient to warrant termination of it is an "adjudicative fact", requiring determination in a hearing, and the necessity of establishing this fact is not met by our statement that "virtually" all presunrise operations cause such interference when evaluated by conventional nighttime standards. Some of these parties would also distinguish American Airlines as prospective in nature and therefore inapplicable here.

48. As we observed in the decision, this agency cannot conclusively determine the extent of its regulatory authority with respect to its licensees; this is for the courts. We adhere to the view that the American Airlines case, supra, establishes our authority to take the action taken herein, on the basis of a general rule-making proceeding and without individual adjudicatory proceedings. Certainly there was nothing any more "prospective" in that decision than is the case here; it involved imposition of a new condition (in effect, a prohibition against competing for business of a certain character with carriers of a different class) upon airlines whose certificates were of long standing. ABS' assertions that by this means we could wipe out a station's service entirely, and are in effect reducing its power, are inapposite; the action taken herein does not have that effect when viewed in the light of the existing full-facility "presunrise" operations. As to the contention concerning a licensed right to such presunrise operation, we likewise adhere to our earlier view that this is not, and never has been, a licensed right, even in the absence of a specific complaint. Music Broadcasting Co. v. FCC, 217 F. 2d 339 (1954). As discussed below, we are willing to consider PSA proposals in excess of 500 watts which, in addition to meeting foreign protection requirements, provide conventional domestic nighttime protection.

Class II Stations

49. As mentioned above (pars. 18–19), two Class II stations on U.S. I–A channels, to the west of the dominant stations, raise the question of the 6 a.m.

starting time. One seeks only 6 a.m. "local time"—a matter we will take up with Canada and which is discussed in a notice of proposed rule making adopted today—and the other seeks operation earlier than 6 a.m. contending (inter alia) that our action in this respect was improper because this restriction was not contained in the notice. With respect to these two stations, this matter need not now be decided, because sunrise at the dominant station to the east is now too late to permit operation earlier than 6 a.m. at the western location, and will be at least until the end of February. We will discuss with Canadian authorities the question of the applicability of the Canadian agreement to the U.S. I–A channels, Canada having no stations thereon, and some modification in this respect may be in order even beyond the 6 a.m. "local time" adjustment.

50. Storer's similar request, on behalf of Station KGBS, Los Angeles (made in a responsive pleading rather than in a petition) is in a different posture, because sunrise at Pittsburgh (location of the I–A station) is always earlier than 6 a.m. at Los Angeles, and KGBS therefore operates before that hour. We do not now consider the relief requested, both because such operation would not be in compliance with the Canadian agreement and because the request was not timely advanced, being an affirmative request for modification of the decision and rules advanced in an opposition to CCBS rather than in a petition. As mentioned, this subject will be discussed with Canada. Possible relief in this respect may be forthcoming later; for the time being we must adhere to the decision reached, and after October 28 operation by KGBS may commence only at 6 a.m. Pacific standard time.[20]

51. The other two petitions for reconsideration by Class II limited-time stations (WHCU, Ithaca, N.Y., and WHLO, Akron, Ohio) on I–A channels—both east of the dominant station and therefore precluded from presunrise operation under the new rules—both present highly individualized situations and therefore (as CCBS asserts) do not warrant reconsideration in this proceeding. Both have also requested waiver of the eligibility provisions of the new rules.

52. Former § 73.87(a)(2) of the rules was ambiguous as to their presunrise privileges but, in any event, called for protection of the dominant station's 0.5 mv/m 50-percent skywave contour or consent by the dominant station. The only Class II stations in this category known to be signing on prior to local sunrise are WHCU and WHLO. Both have been operating presunrise, and both seek to continue presunrise operation on the basis of 6 a.m./500 watts. WHCU (Cornell University) operates on 870 kc/s, to which WWL, New Orleans, holds the I–A nighttime priority. WWL is aware of the operation and thus far has not objected thereto. Because of the northward directionalization of WWL's signal, WHCU would have to reduce power to less than 5 watts in order to afford 0.5 mv/m 50-percent skywave protection. In the case of WHLO, the dominant station is 2,000 miles away (KFI, Los Angeles, Calif.); WHLO could sign on at 6 a.m. (or sunrise, Newfoundland, whichever is later, to protect the Canadian 1–B cochannel assignment there) with a power of 500 watts, without infringing KFI's 0.5 mv/m 50-percent skywave contour. WHLO's situation is further complicated, however, by adjudicatory proceedings in Docket No. 11290, in which Radio Station WOI is seeking a Sepecial Service Authorization (SSA) for early morning operation at Ames, Iowa.

53. Under the circumstances, it is believed that a further notice of proposed rule making should be issued in Docket No. 17562[21a] (presunrise operation by Class II stations assigned to U.S. 1–A clear channels) to deal specifically with the question of Class II daytime and limited time stations located east of a cochannel U.S. 1–A. Among other things, the further notice will explore the degree protection which should be afforded to Class 1–A stations under these circumstances—at present, their basic protection derives from the exclusivity of the 1–A nighttime priority within the North American Region. The public interest factors inherent in agreements by Class 1–A stations to permit presunrise usages of this type would also have to be explored. Until these matters are resolved by further rule making, we are withholding action on the WHCU/WHLO presunrise proposals and hold that their existing operations must, in line with the June 28 report and order, be terminated on October 28, 1967, along with other nonconforming operations. It is noted that Cornell University operates a Class B FM broadcast station at Ithaca, on which the deleted early morning AM programing could be carried, and, in the case of Akron, that there are two full-time standard broadcast stations there authorized for 5-kilowatt operation, day and night (WSLR and WAKR).

54. The remaining Class II petition is that of WTPR, Paris, Tenn. Whether treated as a petition for reconsideration or waiver, we do not believe favorable consideration is justified. Conditions on the I–B channels (like the regional channels) are considerably different from the I–A channels, due partly to their geographic distribution throughout North America. We note in this connection that WTPR has a Class A FM authorization.

OTHER MATTERS

55. *Language of § 73.99(f).* Section 73.99(f) states that a PSA is "secondary" and subject to modification, suspension or termination without notice or hearing, "if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action." DBA and a number of petitioning daytimers object to this provision, regarding it as in effect giving them little more than the "permissive" privilege they had before. It is urged that a PSA is in effect a license, and the Commission cannot, consistent with the Administrative Procedure Act and section 316 of the Communications Act, create a license on such uncertain terms.

56. We do not accept the legal argument; in our view, considering the nature of the PSA and the circumstances giving rise to it, it is entirely within our authority to condition it in any fashion which appears appropriate.[21b] However, it was not intended to be used in any wholesale fashion such as that to which these parties express concern. It was intended to take into account certain types of situations: (1) Where a new station is authorized in a foreign country, particularly Canada, which is closer to a given U.S. station than previous assignments in the foreign country on the frequency, and therefore an additional degree of protection is required; (2) where, in the issuance of the PSA initially, a too-high or too-low power level is authorized and must be adjusted to meet the requirements of international agreements or protection of U.S. Class I stations; or (3) changes in operation, such as changes in antenna efficiency, requiring a different power to be specified. Finally, legal uncertainties (such as that posed by the stay order entered Oct. 2, 1967, by the U.S. Court of Appeals in New York against the grant of interfering PSA's on 930 kc/s—WBEN, Inc. v. USA & FCC)—require that the maximum administrative flexibility be retained. We are therefore not adopting the suggested changes in § 73.99(f).

57. *Waiver of the first-class operator and remote control rules.* Some petitioners representing full-time interests ask for a relaxation of the first-class operator and remote control requirements in connection with PSA presunrise operation. The operator rule (§ 73.93) requires, among other things, the attendance of a radiotelephone first-class operator during all periods of directional operation; § 73.67(a)(6)—remote control operation—provides that, during periods of directional operation, the indications at the transmitter of common point current, base currents, phase monitor sample loop currents, and phase indications, be read and entered in the operating log once each day for each pattern within 2 hours after the commencement of operation for each pattern.

58. With respect to the first-class operator requirement for AM directional operation, we concluded in 1964 (in reconsideration of rule making in Docket

[20] Presunrise operation by KGBS must be viewed in the light of its impact on Class II–A station KSWS, Roswell, N. Mex., especially since Class II–A stations are especially designed to serve wide areas not having other nighttime primary service.

[21a] See F.R. Doc. 67–12427, in Proposed Rule Making Section, *supra*.

[21b] The situation is somewhat analogous to Program Test Authorizations issued under Part 73 of the rules—see CBS of California v. FCC, 10 RR 2021 (1954).

No. 14746) that the state of the art had not progressed to the point that the attendance of a first-class operator could be dispensed with. We do not know whether the situation has changed sufficiently in the last 3 years to warrant a different conclusion at this time, but in any event we are of the view that this issue should be dealt with, if at all, in a separate proceeding and should not be injected into the presunrise proceeding. As to the observation and logging of the required indications, at the transmitter, the problem of repetitive visits to the transmitter site arises mainly where the station is authorized for directional daytime operation and the PSA time-spread runs beyond 2 hours. This problem will be dealt with administratively in the processing of PSA proposals and associated waiver requests. We are therefore not amending the rules to recognize these comparatively rare situations.

59. *Request to operate with 124 mv/m in directional "nulls".* As mentioned above, ABS asks that full-time stations now operating directionally during the presunrise period be permitted to radiate up to 124 mv/m (the minimum equivalent of 500 watts nondirectionally), rather than suppressing radiation to the degree required by their licenses. We cannot agree with this in principle, since such nulls are normally designed to protect other full-time stations. Moreover, this proposal would entail a third mode of operation, whereas the solution contained in our June 28 report and order was based on the use of daytime facilities, adjusted in accordance with the agreement with Canada. This proposal must therefore be rejected.

60. *Waiver requests.* In addition to the 23 petitions discussed, 1,200-odd PSA proposals had been received by the close of business October 4, 1967. Approximately 3 percent of these are accompanied by waiver requests. The majority of the waiver requests are by daytime-only stations seeking PSA sign-on times earlier than 6 a.m. standard time. Most of these will achieve substantial satisfaction of their requirements if we are successful in redefining the 6 a.m. PSA sign-on in terms of prevailing local time, rather than standard time. In a lesser but significant number of cases, waivers of the 500-watt PSA power ceiling are requested. A small but undetermined number of these will benefit from our decision to permit powers in excess of 500 watts on the basis of full domestic nighttime protection (in addition to foreign).

61. Roughly half of the requests for waiver of the time and/or power limitations laid down in the June 28 report and order were specifically premised on farm area coverage, or program services designed for foreign language or other minority groups. Apart from the legal, engineering, and administrative impediments already discussed, we are of the view that the granting waivers on showings of this sort would be unsound as a matter of policy. Since all programing is unique in one way or another, it is obvious that official preferences (expressed by way of selective waiver criteria or otherwise) would be a highly subjective matter and of doubtful validity. Moreover, waiver decisions based on programing would, in the long run, be undermined by changes in station ownership and resulting changes in programing. Obviously, these are matters which defy prediction and regulation in the context of presunrise operating privileges. These arguments must therefore be rejected.

62. Several waiver requests are predicated on inability to obtain suitable equipment; at least one licensee (KGAY, Salem, Oreg.) requests a 90-day extension of the October 28 deadline on existing operations, based on inability to obtain a used auxiliary transmitter before that date. Inasmuch as there is no objection to improvised methods of power reduction to meet the new requirements until suitable equipment can be acquired, we find these requests to be without merit. For example, there would be no objection to the installation of a series dropping resistor in the transmission line on the transmitter side of the antenna ammeter, as a temporary means of achieving compliance with the rules. While this and similar methods may result in unnecessary power consumption, this fact alone does not warrant the issuance of temporary waivers.

63. In at least one case (WPDM, Potsdam, N.Y.), the PSA applicant is only 81 miles (site-to-site) from a Canadian cochannel fulltimer (CFOX, Pointe Claire, Quebec). Although the new Figure 12 curves cut off at 100 miles, the consultant obtained a 126-watt permissible radiation value by extrapolation of the applicable curve. Although not contemplated by the agreement with Canada, we propose that this and similar situations involving short spacings be referred to Canada for ad hoc consideration.

64. In accordance with the foregoing, waiver requests accompanying PSA proposals will be dealt with under the following guidelines:

(a) Waiver requests for times or powers in excess of the 6 a.m./500-watt formula laid down in the June 28 report and order will be denied, except that as to power, proposals in excess of 500 watts (into the daytime antenna system) will be considered and granted on the basis of conventional domestic nighttime protection (in addition to the usual foreign protection showings).

(b) Waiver requests premised on equipment considerations will be denied, but improvised methods of power reduction may be used on a temporary basis if promptly reported to the Commission.

(c) Waiver requests beyond the scope of rule making in Docket Nos. 14419 and 17562, for example, waiver requests by Class IV stations and Class II stations assigned to foreign I-A clear channels, will be denied.

(d) Action on PSA proposals by Class II stations located east of a cochannel U.S. I-A dominant, will be withheld pending outcome of the further notice of proposed rule making adopted this day in Docket No. 17562.

(e) Action on PSA proposals involving Canadian cochannel separations of less than 100 miles will be withheld, awaiting ad hoc clearance with Canada.

(f) Action on all PSA proposals for 930 kc/s which are potential sources of new interference to WBEN's licensed nighttime operation will be withheld, until the New York Court of Appeals has ruled on the merits of WBEN, Inc. v. USA and FCC, Case No. 31688.

65. In view of the foregoing: *It is ordered*, That:

(a) The June 28, 1967, report and order in Docket No. 14419, together with §§ 73.87 and 73.99 of the Commission's rules as amended and adopted therein, is affirmed.

(b) Except as indicated hereinabove, the petitions for stay and reconsideration listed in the appendix are denied.

(c) Existing presunrise operations on 930 kc/s by stations having PSA proposals on file (but not presently grantable because of the outstanding stay order involving this frequency) may continue beyond October 28, 1967, pending final outcome of WBEN, Inc. v. USA & FCC (Case No. 31688, U.S. Court of Appeals, Second Circuit), but such operations shall be adjusted in accordance with the agreement with Canada respecting time and permissible power.

Adopted: October 11, 1967.

Released: October 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-12423; Filed, Oct. 19, 1967; 8:47 a.m.]

[Docket No. 17537; FCC 67M-1718]

GEORGIA RADIO, INC. (WPLK)

Order Continuing Hearing

In re application of Georgia Radio, Inc. (WPLK) Rockmart, Ga., Docket No. 17537, File No. BP-16698; for construction permit:

It is ordered, Pursuant to the agreement of the parties to the above-entitled proceeding, that the hearing therein is postponed from October 17 to October 26, 1967, and will be convened on the latter date at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: October 11, 1967.

Released: October 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-12429; Filed, Oct. 19, 1967; 8:48 a.m.]

[Docket Nos. 17454, 17455; FCC 67M-1737]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Order Continuing Hearing

In re applications of New York University, New York, N.Y., Docket No. 17454,

[*] Statement of Commissioner Cox concurring in part and dissenting in part filed with the original document. Commissioners Bartley and Wadsworth absent and Commissioner Johnson not participating.

File No. BPED–742; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED–751, for construction permits.

The Hearing Examiner having under consideration the substance of an informal conference held October 11, 1967 (without reporter), in the above matter; and

Certain agreements having been reached therein, and;

It appearing feasible to formalize those agreements in written form:

It is ordered, That the hearing now scheduled for October 17, 1967, shall be restricted to evidential rulings on written exhibits (including written testimony, if necessary) and to the necessity of, and identification of, witnesses for future oral testimony;

And it is further ordered, That the full-scale evidential hearing shall commence at 10 a.m., December 12, 1967, in the Commission's offices in Washington, D.C.

Issued: October 11, 1967.

Released: October 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12430; Filed, Oct. 19, 1967; 8:48 a.m.]

[Docket Nos. 17695, 17696; FCC 67M–1751]

JOHN C. ROACH AND GORDON COUNTY BROADCASTING CO. (WCGA)

Order Regarding Procedural Dates

In re applications of John C. Roach, Calhoun, Ga., Docket No. 17695, File No. BP–16665; for construction permit and Gordon County Broadcasting Co., (WCGA), Calhoun, Ga., Docket No. 17696, File No. BR–2831; for renewal of broadcast license.

To formalize the agreements and rulings made on the record at a prehearing conference held on October 12, 1967, in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, That:

Exchange of exhibits is scheduled for November 21, 1967;

Notification of witnesses is scheduled for November 29, 1967; and

Hearing presently scheduled for November 28, 1967, is continued to December 5, 1967.

Issued: October 16, 1967.

Released: October 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12431; Filed, Oct. 19, 1967; 8:48 a.m.]

[Docket Nos. 17788, 17789; FCC 67M–1713]

SOUTH JERSEY RADIO, INC., AND ATLANTIC CITY TELEVISION CO.

Order Scheduling Hearing

In re applications of South Jersey Radio, Inc., Atlantic City, N.J., Docket No. 17788, File No. BPCT–3898; Victor M. Ruby, Mid-Atlantic Broadcasting Co., Frederick Perone, and James Edghill, a partnership and joint venture, doing business as Atlantic City Television Co., Atlantic City, N.J., Docket No. 17789, File No. BPCT–3951; for construction permit for new television broadcast station (Channel 53):

It is ordered, That Millard F. French shall serve as presiding officer in the above-entitled proceeding; that the hearings therein shall be convened on January 9, 1968, at 10 a.m.; and that a prehearing conference shall be held on November 17, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commision, Washington, D.C.

Issued: October 11, 1967.

Released: October 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12432; Filed, Oct. 19, 1967; 8:48 a.m.]

[Docket Nos. 17579, 17580; FCC 67M–1738]

WRBN, INC., AND TRI-COUNTY BROADCASTING CO., INC.

Order Rescheduling Hearing

In re applications of WRBN, Inc., Warner Robins, Ga., Docket No. 17579, File No. BPH–5703; Tri-County Broadcasting Co., Inc., Hawkinsville, Ga., Docket No. 17580, File No. BPH–5737; for construction permits.

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* That a further prehearing conference will be held on Wednesday, November 1, 1967, at 9 a.m., and the evidentiary hearing will begin on Tuesday, December 19, 1967, at 10 a.m.

Issued: October 11, 1967.

Released: October 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12433; Filed, Oct. 19, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68–113]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

OCTOBER 13, 1967.

Take notice that on October 2, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP68–113 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate necessary measuring facilities at two locations in Calhoun and Pleasants Counties, W. Va. Applicant also seeks authorization to exchange, with Cabot Corp. (Cabot), through the facilities proposed above, up to 6,000 Mcf per day of natural gas. Applicant states that Cabot will deliver up to 6,000 Mcf per day of natural gas produced locally and delivered to Applicant at Applicant's existing compressor station in Calhoun County, W. Va. Applicant proposes to redeliver to Cabot, at a proposed plantsite in Pleasants County, W. Va., a volume of natural gas expected to be approximately 1,000 Mcf per day less than Cabot's deliveries to Applicant. Applicant further states that it proposes to purchase the excess deliveries by Cabot for use in its own operations.

Applicant estimates the total cost of the facilities proposed at approximately $28,508, said cost to be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12399; Filed, Oct. 19, 1967; 8:45 a.m.]

[Docket No. CP68-119]

TENNESSEE GAS PIPELINE CO.

Notice of Application

OCTOBER 13, 1967.

Take notice that on October 9, 1967, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-119 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon by sale to Iroquois Gas Corp. (Iroquois) and United Natural Gas Co. (United) the following natural gas facilities:

(1) Approximately 89.2 miles of 24-inch pipeline, the Hebron-Hamburg-East Aurora Line, extending from its Compressor Station No. 313, Potter County, Pa., to Compressor Station No. 229, Erie County, N.Y., and then eastward approximately 14.8 miles; and

(2) Its existing Compressor Station No. 233, located near Geneseo, Wyoming County, N.Y., except for the two 3,500 horsepower compressor units which Applicant proposes to remove and place in warehouse stock for future use.

Applicant also seeks authorization to construct and operate approximately 76 miles of 24-inch pipeline commencing at the terminus of its existing Hebron-Harrison line, in the Harrison Storage Field, Potter County, Pa., and terminating at an interconnection with its Compressor Station No. 237, Ontario County, N.Y. Applicant states that the proposed facilities will increase its capability to move natural gas to Compressor Station No. 237 while resulting in reduced operating and maintenance costs. Applicant further states that the resulting increased capacity will allow it to meet future market requirements with lower capital expenditure than would be necessary through expansion of its presently authorized system. Applicant also states that the proposed abandonment will decrease its maintenance costs and the cost of compression facilities for future needs and will also result in savings of both time and capital for Iroquois and United in the operation of their respective pipeline systems.

Applicant estimates the total cost of the facilities proposed at approximately $13,225,859, said cost to be financed from general funds or from revolving credit, together with the proceeds of the sale proposed above. Applicant has agreed to sell and United and Iroquois have agreed to purchase the facilities proposed to be abandoned for a depreciated cost of $6,322,600, said cost based on a proposed closing date of December 31, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12400; Filed, Oct. 19, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND SACAL, VI, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Carl Vengel, Vice President and General Manager, South Atlantic & Caribbean Line, Inc., 808 Northeast Second Avenue, Miami, Fla.

Agreement No. DC-29 between Seatrain Lines, Inc., and SACAL, VI, Inc., provides for the transportation of cargo under through bills of lading between the Port of New York and ports in the Virgin Islands with transshipment at San Juan, P.R. The through rates and terms of transportation will be combination rates, those separately published by Seatrain Lines, Inc., between New York and Puerto Rico and those separately published by SACAL, VI, Inc., between Puerto Rico and the Virgin Islands. All shipments pursuant to this agreement moving from New York will be delivered by Seatrain Lines, Inc., to the SACAL, VI, Inc., terminal at San Juan. Shipments moving from the Virgin Islands will be delivered by SACAL, VI, Inc., also to the SACAL, VI, Inc., terminal at San Juan. Either party may terminate this agreement upon 30 days written notice to the other party.

The agreement shall become effective upon approval by the Commission pursuant to section 15, Shipping Act, 1916.

Dated: October 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-12434; Filed, Oct. 19, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below paragraph 2 of the Committee's authorization for System Foreign Currency Operations, as amended at its meeting on July 18, 1967 (for remainder of authorization, see 32 F.R. 9582).

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank:	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	100
National Bank of Belgium	150
Bank of Canada	500
National Bank of Denmark	100
Bank of England	1,350
Bank of France	100
German Federal Bank	400
Bank of Italy	600
Bank of Japan	450
Bank of Mexico	130
Netherlands Bank	150
Bank of Norway	100
Bank of Sweden	100
Swiss National Bank	250
Bank for International Settlements:	
System drawings in Swiss francs	250
System drawings in authorized European currencies other than Swiss francs	300

Dated at Washington, D.C., the 13th day of October 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 67-12404; Filed, Oct. 19, 1967; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on July 18, 1967.[1]

The economic and financial developments reviewed at this meeting indicate that economic activity has been rising modestly and that prospects are for further expansion. Output is still being retarded by adjustments of excessive inventories, but growth in final demands continues strong, reflecting some strengthening in consumer expenditures for durable goods and housing, and also further increases in Government outlays. The overall indexes of both wholesale and retail prices have risen further, although wholesale prices of industrial commodities have remained stable. Bank credit expansion has been large in recent weeks. Most short- and long-term interest rates, after reaching advanced levels under the influence of heavy public and private securities market financing, have declined somewhat recently. The balance of payments deficit has remained substantial despite some improvement in the foreign trade surplus. In this situation, it is the Federal Open Market Committee's policy to foster money and credit conditions, including bank credit growth, conducive to continuing economic expansion, while recognizing the need for reasonable price stability for both domestic and balance of payments purposes.

To implement this policy, while taking account of forthcoming Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining about the prevailing conditions in the money market; but operations shall be modified insofar as the Treasury financing permits to moderate any apparent tendency for bank credit and money to expand more than currently expected.

Dated at Washington, D.C., the 13th day of October 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 67-12405; Filed, Oct. 19, 1967; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of July 18, 1967, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITIES AND EXCHANGE COMMISSION

[70-4544]

GREAT LAKES GAS TRANSMISSION CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale by Subsidiary Company of Common Stock to Holding Company and of Notes to Banks

OCTOBER 16, 1967.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Great Lakes Gas Transmission Co. ("Great Lakes"), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Great Lakes proposes to issue and sell to American Natural, and American Natural proposes to acquire, an additional 70,000 shares of Great Lakes' common stock, par value $100 per share, at the aggregate par value thereof of $7 million. Great Lakes also proposes to issue and sell a like amount of shares, at the par value thereof, to Trans-Canada Pipe Lines, Ltd. ("Trans-Canada") (or its wholly owned subsidiary company, Alberta Inter-Field Gas Lines, Ltd.). Trans-Canada and American Natural each hold 50 percent of Great Lakes' outstanding common stock. The proposed sale will increase Great Lakes' equity capital to 340,000 shares of common stock.

Great Lakes also proposes to issue and sell to banks, pursuant to a bank loan agreement, up to $190 million of its promissory notes. The banks and their respective commitments are as follows:

First National City Bank, New York, N.Y.	$50,000,000
Canadian Imperial Bank of Commerce, Toronto, Canada	47,500,000
The Royal Bank of Canada, Toronto, Canada	47,500,000
Morgan Guaranty Trust Co. of New York, N.Y.	27,000,000
National Bank of Detroit, Mich.	18,000,000
Total	190,000,000

The notes will be issued in amounts of $5 million or multiples thereof from time to time as funds are required to finance the construction of the second phase of Great Lakes' pipeline project, to pay $30 million of presently authorized notes to banks at maturity (Holding Company Act Release No. 15775 (June 29, 1967)), and to provide working capital. The notes will be unsecured, will mature the earlier of 2 years from the date of the first borrowing under the bank loan agreement or December 31, 1970, and will bear interest at the rate of one-half of 1 percent per annum above the best rate on short-term commercial loans of First National City Bank in effect at the date of each borrowing, adjusted to the rate in effect at the beginning of each subsequent calendar quarter. Borrowings will be approximately pro rata with the amount of the commitment of each bank.

A commitment fee is payable from the date of approval by this Commission of the proposed transactions at the rate of one-fourth of 1 percent per annum on the daily average unused amount of the commitment, which commitment can be reduced at any time by Great Lakes. Great Lakes may prepay the notes in whole or in part at any time without penalty unless the prepayment is made out of the proceeds or in contemplation of bank borrowings, in which case a premium of one-half of 1 percent is payable on the amount prepaid. It is stated that no premium is payable on prepayments made with borrowings from the above-named banks or on bank borrowings having a maturity of 5 years or more. Great Lakes is obligated to apply the proceeds of any other borrowing having a maturity of 1 year or more to the payment or prepayment of the notes.

The application states that the fees and expenses to be incurred by the applicants in connection with the proposed transactions are estimated at $28,000, including fees of counsel for Great Lakes of $15,000 and fees of counsel for the banks of $12,000. The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of common stock and notes.

Notice is further given that any interested person may, not later than November 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the

point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-12406; Filed, Oct. 19, 1967; 8:46 a.m.]

[70-4547]

MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

OCTOBER 16, 1967.

Notice is hereby given that Massachusetts Electric Co. ("Mass Electric"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Mass Electric proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10 million principal amount of first mortgage bonds, Series J, _____ percent, due 1997. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Mass Electric (which will be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds are to be dated as of December 1, 1967, will mature on December 1, 1997, and will be issued under a first mortgage indenture and deed of trust dated as of July 1, 1949, between Mass Electric and State Street Bank and Trust Co., as trustee, and indentures supplemental thereto including a Ninth Supplemental Indenture to be dated as of December 1, 1967.

Mass Electric also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its cumulative preferred stock, _____ percent series, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to Mass Electric (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The proceeds from the sale of the bonds and the preferred stock will be applied to the payment of then outstanding short-term notes (estimated at $22 million) evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

The application states that the fees and expenses to be incurred by Mass Electric in connection with the bonds are estimated at $63,000, including charges of $32,500 for services of the system service company, at cost, and accountants' fees of $1,500. The fees and expenses in connection with the preferred stock are estimated at $31,000, including charges of $17,500 for services of the system service company, at cost, and accountants' fees of $1,500. The fees of counsel for the underwriters are to be paid by the successful bidders, and the amounts are to be supplied by amendment. Mass Electric has applied to the Massachusetts Department of Public Utilities for approval of the proposed issue and sale of bonds and preferred stock and the use of the proceeds therefrom. A copy of the order entered therein is to be supplied by amendment. If the interest or dividend rate specified by the successful bidders exceeds 7 percent per annum, a further order of that State commission will be necessary. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-12407; Filed, Oct. 19, 1967; 8:46 a.m.]

[70-4546]

POTOMAC EDISON CO.

Notice of Proposed Charter Amendments and Order Authorizing Solicitation of Proxies

OCTOBER 16, 1967.

Notice is hereby given that the Potomac Edison Co. ("Potomac Edison"), Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc. ("Allegheny"), also a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), 10, 12(c), and 12(e) of the Act and Rules 42, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac Edison proposes to amend certain provisions of its charter in order to conform to the standards set forth in this Commission's statement of policy regarding preferred stock subject to the Act, as prescribed in Holding Company Act Release No. 13106, and to alter certain rights as permitted by such release, principally in respect of the rights of preferred stockholders to elect directors, the payment of dividends on common stock and the right to issue unsecured indebtedness to the maximum amounts permitted thereunder. The proposed charter amendments will be submitted to stockholders for their approval at a special meeting to be held on November 21, 1967. Potomac Edison proposes to solicit proxies from the holders of its preferred stock, and the proposed solicitation material sets forth in detail the amendments for which their proxies are to be solicited. The application-declaration states that under the provisions of the Maryland General Corporation Law and Potomac Edison's charter, the affirmative vote of the holders of at least two-thirds of the shares of common stock outstanding, voting as a class, and the affirmative vote of the holders of at least two-thirds of the cumulative preferred stock outstanding will be required for the adoption of the proposed charter amendments. Allegheny, the holder of all of Potomac Edison's outstanding common stock, will vote such stock in favor of the proposed amendments.

Under Maryland law, preferred stockholders who do not vote in favor of the

proposed charter amendments and who comply with the provisions of State law, have the right to surrender their shares for payment of the fair cash value thereof as determined by the parties or in an appropriate judicial proceeding. If Potomac Edison proposes to acquire the preferred stock of any dissenting stockholders, a posteffective amendment setting forth the facts respecting such dissenters will be filed and no offer will be made until the Commission has issued an order permitting such amendment to become effective. The application-declaration states that the proposed charter amendments may be withdrawn if, by reason of the potential liability to dissenting stockholders, the board of directors of Potomac Edison determines that adoption of the proposed amendments is inadvisable.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The expenses to be incurred in connection with the proposed transactions are estimated at $11,000, as follows: Proxy soliciations, $5,000 (including $2,500 for professional proxy solicitors); printing, $2,000; legal fees, $3,000; and miscellanous expenses, $1,000.

Notice is further given that any interested person may, not later than November 10, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that Potomac Edison's declaration regarding the proposed proxy solicitation should be permitted to become effective pursuant to Rule 62, and that jurisdiction should be reserved pursuant to Rule 65 with respect to the expenses of professional proxy solicitors:

It is ordered, That the declaration regarding the proposed proxy solicitation, be, and it hereby is, permitted to become effective forthwith, pursuant to Rule 62, and that jurisdiction be reserved under Rule 65 with respect to the expenses of professional proxy solicitors.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-12408; Filed, Oct. 19, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41152—*Anhydrous ammonia from Don and Pocatello, Idaho, and Geneva, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2523), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Don and Pocatello, Idaho, and Geneva, Utah, to points in Colorado, Iowa, Nebraska, and Wyoming.

Grounds for relief—Market competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12419; Filed, Oct. 19, 1967; 8:47 a.m.]

[Notice 475]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 257 TA), filed October 12, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Beverages, noncarbonated,* from Lebanon, Pa., to points in Ohio, Illinois, Indiana, Missouri, Kansas, Colorado, Nebraska, Iowa, Minnesota, Wisconsin, and Kentucky, for 180 days. Supporting shipper: Frostie Foods, Inc., 629 North Ninth Street, Post Office Box 389, Lebanon, Pa. 17042. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 95540 (Sub-No. 715 TA), filed October 12, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry raisins, processed raisins, and chocolate covered raisins,* from points in Fresno County, Calif., to points in Alabama, Georgia, Tennessee, Florida, North Carolina, South Carolina, Mississippi, and Louisiana, for 180 days. Supporting shippers: Sun-Maid Raisin Growers of California, Kingsburg, Calif. 93631. Send protests to: District Supervisor, Joseph B. Teirchert, Interstate Commerce Commission, Bureau of Operations, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 107839 (Sub-No. 114 TA), filed October 12, 1967. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from Long Beach and Wilmington, Calif., to Denver, Pueblo, and Colorado Springs, Colo., and Albuquerque, N. Mex., for 180 days. Supporting shippers: Federal Fruit & Produce Co., 219 Denargo Market, Denver, Colo. 80216; Associated Grocers of Colorado, Inc., 5151 Bannock, Denver, Colo. 80216; Joslyn Fruit Co., 125 South Cascade, Colorado Springs, Colo. 80902; New Mexico Produce Distributors, 600 First NW., Albuquerque, N. Mex. 87101; V. Famularo & Sons Fruit, 213 Denargo Market, Denver, Colo. 80216. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123393 (Sub-No. 190 TA), filed October 12, 1967. Applicant: BILYEU

REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Applicant's representation: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products;* from Moosic, Pa., to points in Ohio, Indiana, Michigan, Illinois, and Wisconsin, for 90 days. Supporting shippers: Polarized Meat Division, Durkee Famous Foods, The Glidden Co., Moosic, Pa.; Empire Chicken Industries, Rocky Glen Road, Moosic, Pa. 18507. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123446 (Sub-No. 22 TA), filed October 12, 1967. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. 06830. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, fresh (except unleavened and frozen bakery products), from the plantsite of Arnold Bakers, Inc., at Greenwich, Conn., to Manchester, N.H., and *empty containers, stale, damaged, refused, and nonsalable shipments* from the abovenamed destination point to the abovenamed point of origin, for 150 days. Supporting shipper: Arnold Bakers, Inc., Greenwich, Conn. 06830. Send protests to: District Supervisor, David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 123821 (Sub-No. 77 TA), filed October 12, 1967. Applicant: LESTER R. SUMMERS, INC., Post Office Box 239, Rural Delivery No. 1, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural and architectural precast concrete;* from the plantsite of Kurtz Precast Corp., Denver, Pa., to Glasgow, Del., for 180 days. Supporting shipper: Kurtz Precast Corp., Ephrata, Pa. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 126550 (Sub-No. 3 TA), filed October 12, 1967. Applicant: EDWARD B. HUTCHINSON, JR., doing business as FLINT TRUCKING, 7 Flint Street, Danvers, Mass. 01923. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glue stock*, in bulk, in shipper-owned trailers, from Penacook, N.H., to Johnstown, N.Y., for 150 days. Supporting shipper: Barney Singer Co., Post Office Box 245, Peabody, Mass. Send protests to: District Supervisor, Maurice C. Pollard, Bureau of Operations, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203, Room 2211B.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12420; Filed, Oct. 19, 1967; 8:47 a.m.]

[Notice 44]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35411. By order of October 6, 1967, the Transfer Board approved the lease for a period of 1 year, by South Bend Transfer, Inc., South Bend, Wash., of that portion of the operating rights in certificate No. MC-2131 issued January 24, 1942, to Star Commercial Moving & Storage Co., Inc., Tacoma, Wash., authorizing the transportation, over a regular route, of general commodities, with exceptions, between Tacoma, Wash., and Aberdeen, Wash. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash., representative for applicants.

No. MC-FC-69881. By order of October 13, 1967, the Transfer Board approved the transfer to Adco Moving & Storage Co., Inc., 1907 North Kentucky Avenue Evansville, Ind., of the certificate in No. MC-52543, issued February 17, 1959, to Lial Gresham, doing business as Adco Moving & Storage Co., 1907 North Kentucky Avenue, Evansville, Ind., authorizing the transportation of: Household goods, between Evansville, Ind., and points in Indiana, Illinois, and Kentucky within 30 miles of Evansville, and points in Crawford County, Ill., on the one hand, and, on the other, points in Michigan, Ohio, Indiana, Kentucky, Illinois, Missouri, and Iowa.

No. MC-FC-69895. By order of October 13, 1967, the Transfer Board approved the transfer to Wondaal Trucking Co., Inc., Lansing, Ill., of certificates Nos. MC-116967 (Sub-No. 2), MC-116967 (Sub-No. 4), and MC-116967 (Sub-No. 9), issued April 20, 1962, March 13, 1967, and October 19, 1966, respectively, to Martin Wondaal, doing business as Martin Wondaal & Sons, Lansing, Ill., authorizing the transportation of: Glazed cement, slag blocks, and related articles and materials used in the manufacture thereof, from Chicago, Ill., to points in Indiana, Iowa, Wisconsin, and Missouri; gravel and building materials, from Munster Ind., to points in Cook, Du Page, Lake, and Will Counties, Ill., empty containers in the reverse direction; brick, from Munster, Ind., to points in Wisconsin, Illinois, except specified counties and Michigan; and glazed cement and glazed slag blocks, requiring special equipment or handling, from Chicago, Ill., to points in Ohio. Samuel Ruff, 2109 Broadway, East Chicago, Ind., attorney for applicants.

No. MC-FC-69926. By order of October 13, 1967, the Transfer Board approved the transfer to Robert James Crowley, doing business as Crowley-Merrill Trucking, Plymouth, N.H., of certificate No. MC-32460 issued February 7, 1963, to Verna G. Cote, doing business as Middy Cote Trucking, Hudson, N.H., authorizing the transportation of: Machinery, solid fuel, ice, sand, and gravel, between specified points in New Hampshire and Massachusetts. Andre J. Barbeau, 795 Elm Street, Manchester, N.H. 03101, attorney for applicants.

No. MC-FC-69939. By order of October 13, 1967, the Transfer Board approved the transfer to Dale C. Hansen, doing business as Modern Transportation, Santa Clara, Calif., of certificate No. MC-127434 and certificate of registration No. MC-127434 (Sub-No. 1), issued November 24, 1965, and December 21, 1965, respectively, to Carter Trucking, San Francisco, Calif., authorizing (1) under the certificate, transportation of general merchandise and general commodities excluding household goods, commodities in bulk, and other specified commodities, between points as specified in California; and (2) under the certificate of registration, transportation in interstate and foreign commerce pursuant to certificates of public convenience and necessity granted in Decisions No. 50995, and No. 53064 as amended in No. 53553, dated prior to October 15, 1962, transferred by Decision No. 68735, dated March 17, 1965, issued by the Public Utilities Commission of the State of California, Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[FR. Doc. 67-12421; Filed, Oct. 19, 1967; 8:47 a.m.]

ORGANIZATION MINUTES

Organization of Division and Boards and Assignment of Work

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 12th day of October 1967.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration, Item 6.4 is amended to indicate that appeals from hearing officers on requests for discovery will be disposed of by the appropriate Chairman of the respective divisions.

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, and 14025; and 32 F.R. 431, 7105, 8000, 8784, and 10127) be further amended as follows:

The beginning of Item 6.4 is amended to read as follows:

6.4 Merely procedural matters in any formal case or pending matter including appeals taken from the decision of a hearing officer of requests for discovery, and extensions of time for compliance with orders * * *.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12422; Filed, Oct. 19, 1967; 8:47 a.m.]

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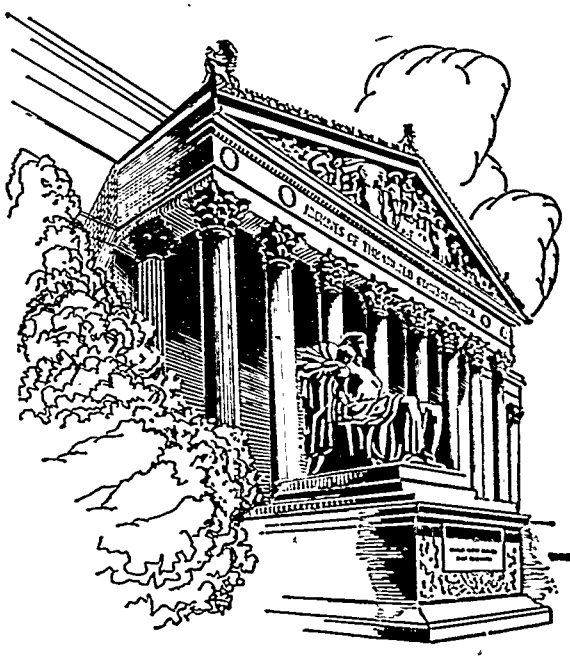
PART II

Department of Agriculture
Consumer and Marketing Service



Rough Rice, Brown Rice, and Milled Rice

U.S. Standards

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Standards for Rough Rice, Brown Rice, and Milled Rice

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8004) on June 2, 1967, regarding a proposed revision of the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.), Brown Rice (7 CFR 68.251 et seq.), and Milled Rice (7 CFR 68.301 et seq.) under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). Over 900 copies of the notice of proposed rule making were sent to individuals, corporations, and associations which are interested in the production, milling, drying, marketing, and use of rice. Public hearings were not held but all interested parties were given until July 3, 1967, in which to submit written data, views, or recommendations in connection with the proposed revision. Consideration has been given to all written comments received and to other information available in the U.S. Department of Agriculture.

Statement of considerations. The Agricultural Marketing Act of 1946 specifically authorizes and directs the Secretary of Agriculture "* * * to develop and improve standards * * * and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." The Act also directs and authorizes the Secretary to inspect and certify the class, quality, and condition of agricultural products so that they "* * * may be marketed to best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service * * *."

General statement. In developing a set of grade standards, two basic features are involved. The first feature is to determine the factors or attributes of quality, including value, usability, and condition which (1) are important, (2) may vary from lot to lot, and (3) can be satisfactorily measured using acceptable inspection practices. The second feature is to determine how these factors of quality should be grouped or classified into a number of grades reflecting meaningful gradations in value or usability. This involves setting minimum or maximum allowances for each factor for each grade which will provide a meaningful and useful yardstick of value or usability.

From suggestions for changes in the standards received from the rice industry and other information available to the Grain Division, there is substantial reason for adopting the following 21 changes which more adequately describe the product and provide a more meaningful and useful measurement of quality. A majority of the responses received pursuant to the notice of rulemaking supported these changes. Accordingly, these proposals have been adopted essentially as proposed originally:

(1) Change the format of the standards to set them forth in sections (e.g. 68.201, 68.202, etc.) rather than subdivisions of sections to the greatest extent feasible.

(2) Change the method of classifying rough rice, brown rice, and milled rice except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice from the basis of variety names to the basis of the length/width ratio of the kernels (i.e. long grain, medium grain, and short grain), as established by the Agricultural Research Service, U.S. Department of Agriculture, Agriculture Handbook No. 289.

(3) Change the terms "contrasting classes" to "other classes," "unhulled kernels" to "paddy kernels," "removable foreign material (dockage)" to "dockage," and "unpolished" to "undermilled."

(4) Delete "unhulled kernels of rice" from the definitions for "seeds" and "objectionable seeds" and delete the definition for "rice of noncontrasting classes" and the term "noncontrasting classes" wherever they appear.

(5) Provide definitions for "whole kernels," "large broken kernels," and "paddy kernels."

(6) Provide that all mechanical sizing of kernels shall be adjusted by handpicking.

(7) Provide in the definition of head rice that it shall consist of whole kernels of milled rice and 4.0 percent of broken kernels.

(8) Provide the same limits for chalky kernels for Medium Grain Rough Rice and Medium Grain Milled Rice as for Short Grain Rough Rice and Short Grain Milled Rice in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 4.

(9) In the rough rice standards and in the milled rice standards, except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice, increase in grades U.S. Nos. 3 and 4 the maximum limits for the grading factor "Red rice and damaged kernels * * *" In the rough rice standards for grade U.S. No. 4 increase the maximum limit for the grading factor "Seeds and heat-damaged kernels * * *" and in the milled rice standards, with the same exceptions, increase for grade U.S. No. 4 the maximum limit for the grading factor "Seeds, heat-damaged, and paddy kernels. * * *"

(10) Increase the maximum limits of broken kernels that can be removed readily by the No. 5 sizing plate from 0.2 to 0.4 percent and the broken kernels that will pass readily through a 4/64 round hole sieve from 0.02 to 0.05 percent in the definition for Second Head Milled Rice.

(11) Delete from the Screenings Milled Rice definition the phrase "not more than 50.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate."

(12) Provide that brown rice when found in milled rice shall function as paddy kernels.

(13) Increase the maximum limits for broken kernels removed by the No. 5 sizing plate from 0.02, 0.04, 0.08, and 0.3 percent to 0.04, 0.06, 0.1, and 0.4 percent in grades U.S. No. 1 through U.S. No. 4, respectively, for all classes of milled rice, except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.

(14) Provide one table of grade requirements for all classes of brown rice, and one table of grade requirements for all classes of milled rice except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.

(15) Establish maximum limits of 20 paddy kernels in 500 grams for grade U.S. No. 1 and 2.0 percent paddy kernels in each of the grades U.S. No. 2 through U.S. No. 5 for all classes of brown rice, and reduce the maximum number of seeds to 10, 40, 70, and 150 in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 5, respectively, for all classes of brown rice.

(16) Provide that Brewers Milled Rice which contains more than 15.0 percent broken kernels that will pass readily through a 2½/64 round hole sieve shall be graded U.S. Sample grade.

(17) Provide that color requirements for Parboiled Rice shall be in accordance with type samples maintained by the Grain Division, Consumer and Marketing Service, which will be available for reference in all rice inspection offices.

(18) Delete the phrase "before the hulls are removed" from the definitions for parboiled rough rice, parboiled brown rice, and parboiled milled rice.

(19) Change the definition of "parboiled brown rice" to limit the quantity of nonparboiled milled rice as well as the quantity of nonparboiled brown rice that may be contained in parboiled brown rice.

(20) Provide that the method of moisture determination shall be one prescribed by the U.S. Department of Agriculture, or any other method which gives equivalent results.

(21) Delete the specific reference to moisture meter conversion charts which were included in the amendment dated September 3, 1966.

The change in the method of classifying rice is adopted because inspectors are unable to accurately identify specific varieties of rough, brown, and milled rice. This inability was confirmed in a survey conducted among inspection and grading personnel. Comments made pursuant to the notice of rule making supported the proposed change in the method of classifying rice, although strong recommendations were made that subclasses be established for preferred and nonpreferred long grain rice varieties. The desirability of providing long grain subclasses in the standards is recognized, but studies conducted by the Department have substantiated previous findings that

it is not possible tot accurately identify these subclasses.

In order to meet the needs of the trade for identification of particular varieties, at the request of the applicant for inspection, the inspector may include a statement in the remarks section of the grade certificate, based on the applicant's declaration, substantially as follows: "Variety stated by applicant to be: _____." The applicant is responsible for the validity of this statement. When it is determined that rice is grown in the State of California, the words "California grown" may also be added under "Remarks" if requested by the applicant. In the proposed notice of rule making there was a provision in the standards that the words "California grown" may be shown under "Remarks" on the certificate: It has been administratively determined that the provision need not be incorporated in the standards, but can be administered by instruction issued by the Department. Therefore, both the designation of variety name and California grown will be so administered.

In the proposed rule making there was a provision that factor analysis on the large broken kernels shall be made when the grade is determined for rough rice to reflect the true value of any lot. Most of the persons commenting on the proposal agreed to the requirement for providing factor analysis on the large broken kernels; however, some of the rice trade indicated that this determination should not be required on all lots. The Department deems it unnecessary to require a factor analysis on U.S. No. 1 quality large broken rice. Therefore it is provided that a factor analysis on the large broken kernels shall be made when the grade is determined for rough rice if the quality of the large broken kernels is below the grade U.S. No. 1 Second Head Milled Rice. When the quality of the large broken rice is equal to U.S. No. 1 Second Head Milled Rice, a statement to that effect shall be shown on the certificate under "Remarks" and, when requested by the applicant for inspection, a factor analysis on the large broken kernels shall also be shown.

Some of the proposed changes were controversial and the issues were resolved as follows: The proposed reduction of the moisture content in the numerical grades of milled rice from the present 15 percent to 14 percent received a substantial amount of adverse comment. Opposition to this change was made on the grounds that it would not be practical since the removal of the hull in the milling process would raise the moisture level of the milled rice by 1 percent. Scientific data indicates that the present moisture limit in the milled rice standards is too high to assure safe transit of export shipments during the hot months of the year. Opinion was also expressed that the present limit of 15 percent moisture has been satisfactory and to lower the level would cause a hardship on the trade. However, data obtained on the moisture content of rice inspected during fiscal year 1967 showed that less than 2 percent of the milled rice had a moisture content in excess of 14.0 percent. It is also reasonable and realistic to assume that the moisture content of milled rice should be at the same level as rough rice and brown rice. Also considered in this change was the elimination of the special grade "Damp rough rice." There was little opposition to this proposed change. Accordingly, it was determined to delete the special grade "Damp rough rice" and provide that rough, brown, and milled rice which contains more than 14.0 percent of moisture shall be graded U.S. Sample grade.

The proposed changes to redefine "Red Rice" and "Mixed Rice" in the standards for rough, brown, and milled rice were considered acceptable in part to the industry. The redefinition of "Red Rice" was intended to simplify the inspection procedure, but a majority of those responding claimed this interpretation was too severe. After consideration, this change is not adopted. The redefinition of "Mixed Rice" in the standards for rough, brown, and milled rice, which was necessary with the new method of classifying rice, received no objection and accordingly is adopted.

An increase in the maximum limits of specific grading factors was proposed in order to provide more proportional intervals at each grade level. No objections to certain recommendations were received; and, accordingly, increased maximum limits for the following factors at the grade levels indicated were adopted as proposed:

(1) "Red rice and damaged kernels" in grades U.S. Nos. 3 and 4 of the rough rice standards and of the milled rice standards, except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.

(2) "Seeds and heat-damaged kernels" in grade U.S. No. 4 in the rough rice standards.

(3) "Seeds, heat-damaged, and paddy kernels" for grade U.S. No. 4 in the milled rice standards, except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.

Although the proposal to reduce the maximum limit for heat-damaged kernels and objectionable seeds allowed in U.S. No. 5 rough and milled rice received no support from the industry, it was decided to adopt the reduced limit. Examination of grading data in respect to this factor showed that only 0.5 percent of the lots had between 26 and 30 heat-damaged kernels and objectionable seeds in 500 grams and setting the limit at 25 seeds for 500 grams would not result in a substantial change in the number of lots which would be graded U.S. No. 5 yet would provide more proportional limits between the grades for these factors.

For a reasonable period of time after adoption of the revised standards, the rice inspector will, upon request, show on certificates the inspection results under both the new and the old standards.

Other changes from the notice are of a nonsubstantial editorial nature.

It does not appear that further public rule-making procedure with respect to the revision of the standards would make additional information available to the Department. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553 it is found upon good cause that such further rule-making procedure is impracticable and unnecessary.

The revised standards are adopted to read as follows:

Subpart C—U.S. Standards for Rough Rice

TERMS DEFINED

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

AUTHORITY: The provisions of this Subpart C issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart C—U.S. Standards for Rough Rice [1]

TERMS DEFINED

§ 68.201 Rough rice.

Rough rice shall be rice which consists of 50 percent or more of paddy kernels of rice (Oryza sativa).

§ 68.202 Classes.

Rough rice shall be divided into the following classes based on the length/width ratio of whole kernels as established by the Agricultural Research Service, U.S. Department of Agriculture (Agriculture Handbook No. 289):

Long Grain Rough Rice.
Medium Grain Rough Rice.
Short Grain Rough Rice.
Mixed Rough Rice.

Each class shall contain more than 25.0 percent of whole kernels of rough rice and, except for Mixed Rough Rice, may contain not more than 10.0 percent of rice of other classes. Mixed Rough Rice shall be any mixture of rough rice consisting of less than 90.0 percent of one class and more than 10.0 percent of rice of any other class(es).

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 68.203 Grades.

Grades shall be the numerical grades, Sample grade, and special grades provided for in §§ 68.223 and 68.224.

§ 68.204 Rice of other classes.

Rice of other classes shall be rice other than rice of the predominating class in which the length/width ratio of the kernels differs from that of the kernels of the predominating class.

§ 68.205 Whole kernels.

Whole kernels shall be unbroken kernels of rice, and broken kernels which are at least three-fourths of the length of unbroken kernels.

§ 68.206 Broken kernels.

(a) Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(b) Large broken kernels shall be the broken kernels of Long Grain Rice and Medium Grain Rice that will pass over a No. 6 sizing plate and broken kernels of Short Grain Rice that will pass over a 6/64 round hole sieve, or as determined by any other device which gives equivalent results.

§ 68.207 Chalky kernels.

Chalky kernels shall be kernels and pieces of kernels of rice each of which is one-half or more chalky.

§ 68.208 Red rice.

Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have an appreciable amount of red bran thereon.

§ 68.209 Damaged kernels.

Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

§ 68.210 Heat-damaged kernels.

Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

§ 68.211 Paddy kernels.

Paddy kernels shall be unhulled kernels of rice, either whole or broken.

§ 68.212 Seeds.

Seeds shall be grains or kernels, either whole or broken, of any plant other than rice.

§ 68.213 Objectionable seeds.

Objectionable seeds shall be all seeds except seeds of Echinochloa crusgalli (commonly known as barnyard grass, watergrass, and Japanese millet).

§ 68.214 Head rice.

Head rice shall be the amount of whole kernels of milled rice, including 4.0 percent of broken kernels, that can be obtained by milling rough rice.

§ 68.215 Total milled rice.

Total milled rice shall be the quantity of whole and broken kernels of milled rice obtained in determining milling yield.

§ 68.216 Milling yield.

Milling yield of rough rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of rough rice.

§ 68.217 Dockage.

Dockage shall be all matter other than rice which can be removed readily from the rough rice by the use of appropriate sieves and cleaning devices, and underdeveloped, shriveled, and small pieces of kernels of rough rice which are removed in properly separating the dockage and which cannot be recovered by properly rescreening or recleaning.

§ 68.218 Test weight per bushel.

Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the U.S. Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results. Test weight per bushel, when used, shall be expressed to the nearest tenth of a pound.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.219 Basis of determinations.

Each determination of class, seeds, objectionable seeds, heat-damaged kernels, red rice and damaged kernels, chalky kernels, broken kernels, rice of other classes, and color shall be on the basis of the head rice. In analyzing the large broken kernels, determinations of seeds, objectionable seeds, heat-damaged kernels, red rice, damaged kernels, and chalky kernels shall be on the basis of the large broken kernels. All other determinations shall be on the basis of the rough rice as a whole. All mechanical sizing of kernels shall be adjusted by handpicking.

§ 68.220 Percentages.

All percentages shall be determined upon the basis of weight. Percentages, except dockage and milling yield, shall be expressed in terms of whole and tenths of a percent. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded. Dockage, when stated, shall be in terms of a whole percent and fractions of a percent shall be disregarded.

§ 68.221 Moisture.

Moisture shall be determined by the use of equipment and procedure prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method which gives equivalent results. (Information thereon may be obtained from said Service.)

§ 68.222 Determination of milling yield.

The milling yield of rough rice shall be determined by the use of equipment and procedure prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or by any method which gives equivalent results.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.223 Grades and grade requirements for rough rice.

(See also § 68.224.)

Grade	Maximum limits of—						Color requirements [2]
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels		Rice of other classes [1]	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)		In Long Grain Rice	In Short and Medium Grain Rice		
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	2	1	0.5	1.0	2.0	1.0	Shall be white or creamy.
U.S. No. 2	4	2	1.5	2.0	4.0	2.0	May be slightly gray.
U.S. No. 3	7	5	2.5	4.0	6.0	3.0	May be light gray.
U.S. No. 4	20	15	4.0	6.0	8.0	5.0	May be gray or slightly rosy.
U.S. No. 5	30	25	6.0	10.0	10.0	10.0	May be dark gray or rosy.
U.S. No. 6	75	75	[3] 15.0	15.0	15.0	10.0	May be dark gray or rosy.
U.S. Sample grade	U.S. Sample grade shall be rough rice which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.						

[1] These limits do not apply to the class Mixed Rough Rice.
[2] These color requirements are not applicable to Parboiled Rough Rice.
[3] The rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

§ 68.224 Special grades, special grade requirements, and special grade designations for rough rice.

(a) *Parboiled rough rice*—(1) *Requirements.* Parboiled rough rice shall be rough rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice. Parboiled rough rice in grades U.S. No. 1 to U.S. No. 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled rice that have ungelatinized areas; and Parboiled rough rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and in grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rough rice.

(2) *Grade designation.* Parboiled rough rice shall be graded and designated according to the special grade requirements for parboiled rough rice and to the grade requirements of the standards otherwise applicable to such rough rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the rough rice is not colored or is slightly colored by the parboiling treatment, the word "Parboiled" if the rough rice is distinctly but not materially colored by the parboiling treatment, and the words "Parboiled Dark" if the rough rice is materially colored by the parboiling treatment. Samples illustrating the acceptable levels for "Parboiled Light," "Parboiled," and "Parboiled Dark" will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

(b) *Weevily rough rice*—(1) *Requirements.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

(2) *Grade designation.* Weevily rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice and there shall be added to and made a part of the grade designation the word "Weevily."

§ 68.225 Grade designations for rough rice.

The grade designation for rough rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; and, in the case of rough rice which contains not more than 18.0 percent of moisture, there shall be added to the grade designation a statement of the milling yield. In the case of Mixed Rough Rice, the grade designation shall also include, following the name of the class, the name and approximate percentage of the predominant class and then, in the order of predominance, of each other class of rough rice contained in the mixture. A factor analysis shall be made on the large broken kernels when the grade is determined for rough rice if the quality of the large broken kernels is below the grade U.S. No. 1 Second Head Milled Rice. When the quality of the large broken rice is equal to U.S. No. 1 Second Head Milled Rice, a statement to that effect shall be shown on the certificate under "Remarks" and, when requested by the applicant for inspection, a factor analysis on the large broken kernels shall also be shown.

Subpart D—U.S. Standards for Brown Rice

TERMS DEFINED

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

AUTHORITY: The provisions of this Subpart D issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart D—U.S. Standards for Brown Rice [1]

TERMS DEFINED

§ 68.251 Brown rice.

Brown rice shall be rice which consists of more than 50.0 percent of kernels of rice (Oryza sativa) from which the hulls only have been removed.

§ 68.252 Classes.

Brown rice shall be divided into the following classes based on the length/width ratio of whole kernels as established by the Agricultural Research Service, U.S. Department of Agriculture (Agriculture Handbook No. 289):

Long Grain Brown Rice.
Medium Grain Brown Rice.
Short Grain Brown Rice.
Mixed Brown Rice.

Each class shall contain more than 25.0 percent of whole kernels of brown rice and, except for Mixed Brown Rice, may contain not more than 10.0 percent of rice of other classes. Mixed Brown Rice shall be any mixture of brown rice consisting of less than 90.0 percent of one class and more than 10.0 percent of rice of any other class(es).

§ 68.253 Grades.

Grades shall be the numerical grades, Sample grade, and Special grades provided for in §§ 68.283 and 68.284.

§ 68.254 Rice of other classes.

Rice of other classes shall be rice other than rice of the predominating class in which the length/width ratio of the kernels differs from that of the kernels of the predominating class.

§ 68.255 Whole kernels.

Whole kernels shall be unbroken kernels of rice, and broken kernels which are at least three-fourths of the length of unbroken kernels.

§ 68.256 Broken kernels.

Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

§ 68.257 Chalky kernels.

Chalky kernels shall be kernels and pieces of kernels of rice each of which is one-half or more chalky.

§ 68.258 Red rice.

Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or on which the bran is red.

§ 68.259 Damaged kernels.

Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

§ 68.260 Heat-damaged kernels.

Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

§ 68.261 Paddy kernels.

Paddy kernels shall be unhulled kernels of rice, either whole or broken.

§ 68.262 Seeds.

Seeds shall be grains or kernels, either whole or broken, of any plant other than rice.

§ 68.263 Objectionable seeds.

Objectionable seeds shall be all seeds except seeds of Echinochloa crusgalli

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(commonly known as barnyard grass, watergrass, and Japanese millet).

§ 68.264 Foreign material.

Foreign material shall be all matter other than rice and seeds.

§ 68.265 4/64 sieve.

A 4/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 (4/64) inch in diameter which are ⅛ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.266 5½/64 sieve.

A 5½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0859 (5½/64) inch in diameter which are 9/64 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.267 6/64 sieve.

A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.268 6½/64 sieve.

A 6½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1016 (6½/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.269 No. 5 sizing plate.

A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

§ 68.270 No. 6 sizing plate.

A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

§ 68.271 Head rice.

Head rice shall be the amount of whole kernels of milled rice, including 4.0 percent of broken kernels, that can be obtained by milling brown rice.

§ 68.272 Total milled rice.

Total milled rice shall be the quantity of whole and broken kernels of milled rice obtained in determining milling yield.

§ 68.273 Milling yield.

(a) Milling yield of brown rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of brown rice.

(b) Milling yield of broken brown rice shall be the estimate of the quantity of Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice that can be produced from a unit of broken brown rice.

§ 68.274 Milled rice.

Milled rice shall be kernels and pieces of kernels of rice from which the hulls and practically all of the germs and the bran layers have been removed.

§ 68.275 Second head milled rice.

Second head milled rice shall consist of:

(a) The large broken kernels obtained by milling the broken brown rice from Long Grain Brown Rice and Medium Grain Brown Rice, with not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.4 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.05 percent of broken kernels that will pass readily through a 4/64 round hole sieve, or

(b) The large broken kernels obtained by milling the broken brown rice from Medium Grain Brown Rice and Short Grain Brown Rice, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 round hole sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 round hole sieve.

§ 68.276 Screenings milled rice.

Screenings milled rice shall consist of:

(a) The medium broken kernels obtained by milling the broken brown rice from Long Grain Brown Rice and Medium Grain Brown Rice, with not more than 25.0 percent of whole kernels, not more than 10.0 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.2 percent of broken kernels that will pass readily through a 4/64 round hole sieve, or

(b) The medium broken kernels obtained by milling the broken brown rice from Medium Grain Brown Rice and Short Grain Brown Rice, with not more than 25.0 percent of whole kernels; which does not meet the broken kernel size requirements given in § 68.275(b) for Second Head Milled Rice; and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 round hole sieve.

§ 68.277 Brewers milled rice.

Brewers milled rice shall consist of the broken kernels obtained by milling the broken brown rice, with not more than 25.0 percent of whole kernels; and which does not meet the broken kernel size requirements for Second Head Milled Rice or Screenings Milled Rice.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.278 Basis of determinations.

All determinations shall be on the basis of the brown rice as a whole, except that for Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice, the determination of milling yield of broken brown rice shall be on the basis of the total broken brown rice. All mechanical sizing of kernels shall be adjusted by handpicking.

§ 68.279 Percentages.

All percentages shall be determined upon the basis of weight. Percentages, except milling yield, shall be expressed in terms of whole, tenths, and hundredths of a percent as required for individual factors. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent of milling yield when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

§ 68.280 Moisture.

Moisture shall be determined by the use of equipment and procedure prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method which gives equivalent results. (Information thereon may be obtained from said Service.)

§ 68.281 Determination of milling yield.

The milling yield of brown rice shall be determined by the use of equipment and procedure prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or by any method which gives equivalent results.

§ 68.282 Method of determining broken kernels.

Broken kernels of Second Head Milled Rice, Screeenings Milled Rice, and Brewers Milled Rice obtained by milling broken brown rice shall be determined by the use of sizing plates and sieves in accordance with the methods prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or by any method which gives equivalent results.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.283 Grades and grade requirements for brown rice.

(See also § 68.284.)

Grade	Maximum limits of—										
	Paddy kernels		Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		Rice of other classes[1]	Milled rice
			Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Removed by No. 6 sizing plate or through 6½/64 sieve[1]		
	Percent	*Number in 500 grams*	*Number in 500 grams*	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	-------	20	10	1	2	1.0	2.0	5.0	1.0	1.0	1.0
U.S. No. 2	2.0	----------	40	2	10	2.0	4.0	10.0	2.0	2.0	3.0
U.S. No. 3	2.0	----------	70	4	20	4.0	6.0	15.0	3.0	5.0	10.0
U.S. No. 4	2.0	----------	100	8	35	8.0	8.0	25.0	4.0	10.0	10.0
U.S. No. 5	2.0	----------	150	15	50	15.0	15.0	35.0	6.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice of any class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.										

[1] The No. 6 sizing plate shall be used for Long Grain Brown Rice and may be used for Medium Grain Brown Rice, and the 6½/64 sieve shall be used for Short Grain Brown Rice and may be used for Medium Grain Brown Rice; but any device which gives equivalent results may be used.
[2] These limits do not apply to the class Mixed Brown Rice.

§ 68.284 Special grade, special grade requirements, and special grade designations for brown rice.

(a) *Parboiled brown rice*—(1) *Requirements.* Parboiled brown rice shall be brown rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice. Parboiled brown rice in grades U.S. Nos. 1 to 5, inclusive, may contain not more than 10.0 percent of kernels of parboiled brown rice that have ungelatinized areas; and parboiled brown rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and in grade U.S. No. 5 not more than 0.5 percent of nonparboiled brown rice and/or nonparboiled milled rice.

(2) *Grade designation.* Parboiled brown rice shall be graded and designated according to the special grade requirements for parboiled brown rice and to the grade requirements of the standards otherwise applicable to such brown rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the word "Parboiled."

§ 68.285 Grade designations for brown rice.

The grade designations for brown rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of the special grade when applicable; and, in the case of brown rice which contains not more than 18.0 percent of moisture, there may be added to the grade designation a statement of the milling yield. In the case of Mixed Brown Rice, the grade designation shall include also following the name of the class, the name and approximate percentage of whole kernels and broken kernels, separately, of the predominant class and then, in the order of predominance, of each other class of brown rice contained in the mixture.

Subpart E—U.S. Standards for Milled Rice

TERMS DEFINED

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

AUTHORITY: The provisions of this Subpart E issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

TERMS DEFINED

§ 68.301 Milled rice.

Milled rice shall be whole or broken kernels of rice (Oryza sativa) from which the hulls and at least the outer bran layers and a part of the germs have been removed, with not more than 10.0 percent of seeds or foreign material either singly or combined.

§ 68.302 Classes.

Milled rice shall be divided into the following classes based on the length/width ratio of whole kernels as established by the Agricultural Research Service, U.S. Department of Agriculture (Agriculture Handbook No. 289):

Long Grain Milled Rice.
Medium Grain Milled Rice.
Short Grain Milled Rice.
Mixed Milled Rice.
Second Head Milled Rice.
Screenings Milled Rice.
Brewers Milled Rice.

(a) Each of the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice shall contain more than 25.0 percent of whole kernels of milled rice, and these classes, except for Mixed Milled Rice, may contain not more than 10.0 percent of rice of other classes.

(b) Mixed Milled Rice shall be any mixture of Long Grain Milled Rice, Medium Grain Milled Rice, and Short Grain Milled Rice consisting of less than 90.0 percent of any one of these classes and more than 10.0 percent of one or more of the other classes.

(c) Second Head Milled Rice shall consist of:

(1) The large broken kernels from Long Grain Milled Rice and Medium Grain Milled Rice, with not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.4 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.05 percent of broken kernels that will pass readily through a 4/64 round hole selve; or

(2) The large broken kernels from Medium Grain Milled Rice and Short Grain Milled Rice, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 round hole sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 round hole sieve.

(d) Screenings Milled Rice shall consist of:

(1) The medium broken kernels from Long Grain Milled Rice and Medium Grain Milled Rice, with not more than 25.0 percent of whole kernels, not more than 10.0 percent of broken kernels that can be removed readily with a No. 5 siz-

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ing plate, and not more than 0.2 percent of broken kernels that will pass readily through a 4/64 round hole sieve, or

(2) The medium broken-kernels from Medium Grain Milled Rice and Short Grain Milled Rice, with not more than 25.0 percent of whole kernels; which do not meet the kernel-size requirements given in (c) (2) of this section for Second Head Milled Rice; and which contain not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 round hole sieve.

(e) Brewers Milled Rice shall consist of broken kernels with not more than 25.0 percent of whole kernels; and which do not meet the kernel-size requirements for the class Second Head Milled Rice or Screenings Milled Rice.

§ 68.303 Grades.

Grades shall be the numerical grades, Sample grade, and special grades provided for in §§ 68.328 through 68.332.

§ 68.304 Rice of other classes.

Rice of other classes shall be rice other than rice of the predominating class in which the length/width ratio of the kernels differs from that of the kernels of the predominating class.

§ 68.305 Whole kernels.

Whole kernels shall be unbroken kernels of rice, and broken kernels which are at least three-fourths of the length of unbroken kernels.

§ 68.306 Broken kernels.

Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

§ 68.307 Chalky kernels.

Chalky kernels shall be kernels and pieces of kernels of rice each of which is one-half or more chalky.

§ 68.308 Red rice.

Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have an appreciable amount of red bran thereon.

§ 68.309 Damaged kernels.

Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

§ 68.310 Heat-damaged kernels.

Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

§ 68.311 Paddy kernels.

Paddy kernels shall be unhulled kernels of rice, either whole or broken. Kernels and pieces of kernels of brown rice when found in milled rice shall function as paddy kernels.

§ 68.312 Seeds.

Seeds shall be grains or kernels, either whole or broken, of any plant other than rice.

§ 68.313 Objectionable seeds.

Objectionable seeds shall be all seeds except seeds of Echinochloa crusgalli (commonly known as barnyard grass, watergrass, and Japanese millet).

§ 68.314 Foreign material.

Foreign material shall be all matter other than rice and seeds.

§ 68.315 2½/64 sieve.

A 2½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.316 4/64 sieve.

A 4/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 (4/64) inch in diameter which are ⅛ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.317 5/64 sieve.

A 5/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.318 5½/64 sieve.

A 5½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0859 (5½/64) inch in diameter which are 11/64 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.319 6/64 sieve.

A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated round holes 0.0938 (6/64) inch in diameter which are 3/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.320 6½/64 sieve.

A 6½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1016 (6½/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.321 No. 5 sizing plate.

A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

§ 68.322 No. 6 sizing plate.

A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 3/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.323 Basis of determinations.

All determinations shall be upon the basis of the milled rice as a whole. All mechanical sizing of kernels shall be adjusted by handpicking.

§ 68.324 Percentages.

All percentages shall be determined upon the basis of weight, and shall be expressed in terms of whole, tenths, and hundredths of a percent as required for individual factors.

§ 68.325 Moisture.

Moisture shall be determined by use of equipment and procedure prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method which gives equivalent results. (Information thereon may be obtained from said Service.)

§ 68.326 Method of determining broken kernels.

Broken kernels of various sizes shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the U.S. Department of Agriculture, or determined by any method which gives equivalent results.

§ 68.327 Milling requirements.

Samples illustrating the lowest level for various degrees of milling of milled rice, i.e., "well milled," "reasonably well milled," "lightly milled," and "loosely milled" will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.328 Grades and grade requirements for the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice.

(See also § 68.332.)

Grade [1]	Maximum limits of—									
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels		Broken kernels				Rice of other classes [2]
	Total	Heat-damaged kernels and objectionable seeds		In Long Grain Rice	In Medium Grain or Short Grain Rice	Total	Removed by No. 5 sizing plate [2]	Removed by No. 6 sizing plate [2]	Through 6/64 sieve [2]	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1	1.0
U.S. No. 2	4	2	1.5	2.0	4.0	7.0	.06	.2	.2	2.0
U.S. No. 3	7	5	2.5	4.0	6.0	15.0	.1	.8	.5	3.0
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	.4	2.0	.7	5.0
U.S. No. 5	30	25	[4] 6.0	10.0	10.0	35.0	.7	3.0	1.0	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.									

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least lightly milled. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy and shall be at least loosely milled. These color requirements are not applicable to Parboiled Milled Rice.

[2] Sizing plates shall be used for Long Grain Milled Rice and may be used for Medium Grain Milled Rice, and sieves shall be used for Short Grain Milled Rice and may be used for Medium Grain Milled Rice; but any device which gives equivalent results may be used.

[3] These limits do not apply to the class Mixed Milled Rice.

[4] Milled rice in grade U.S. No. 5 of the special grade Undermilled rice may contain not more than 10 percent of red rice and damaged kernels, either singly or combined, but in any case not more than 6.0 percent of damaged kernels.

[5] Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

§ 68.329 Grades and grade requirements for the class Second Head Milled Rice. (See also § 68.332.)

Grade	Maximum limits of—				Color and milling requirements
	Seeds, heat-damaged, and paddy kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	
U.S. No. 1	15	5	1.0	3.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	20	10	2.0	5.0	May be slightly gray and shall be well milled.
U.S. No. 3	35	15	3.0	10.0	May be light gray and shall be at least reasonably well milled.
U.S. No. 4	50	25	5.0	15.0	May be gray or slightly rosy and shall be at least lightly milled.
U.S. No. 5	75	40	10.0	20.0	May be dark gray or rosy and shall be at least loosely milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.				

§ 68.330 Grades and grade requirements for the class Screenings Milled Rice. (See also § 68.332.)

Grade	Maximum limits of—			Color and milling requirements
	Paddy kernels and seeds		Chalky kernels	
	Total	Objectionable seeds		
	Number in 500 grams	*Number in 500 grams*	*Percent*	
U.S. No. 1	30	20	5.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	75	50	8.0	May be slightly gray and shall be well milled.
U.S. No. 3	125	90	12.0	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	175	140	20.0	May be gray or rosy and shall be at least lightly milled.
U.S. No. 5	250	200	30.0	May be dark gray or very rosy and shall be at least loosely milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

§ 68.331 Grades and grade requirements for the class Brewers Milled Rice. (See also § 68.332.)

Grade	Maximum limits of—		Color and milling requirements
	Paddy kernels and seeds		
	Total	Objectionable seeds	
	Percent	*Percent*	
U.S. No. 1	0.5	0.05	Shall be white or creamy and shall be well milled.
U.S. No. 2	1.0	.1	May be slightly gray and shall be well milled.
U.S. No. 3	1.5	.2	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	3.0	.4	May be gray or rosy and shall be at least lightly milled.
U.S. No. 5	5.0	1.5	May be dark gray or very rosy and shall be at least loosely milled.
U.S. Sample grade.	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains more than 15.0 percent of broken kernels that will pass readily through a 2½/64 round hole sieve; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

§ 68.332 Special grades, special grade requirements, and special grade designations for milled rice.

(a) *Undermilled rice*—(1) *Requirements.* Undermilled rice shall be rice from which the hulls, some of the germs, and some of the outer bran layers, have been removed by milling. Undermilled rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 2.0 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 5.0 percent, in grade U.S. No. 5 not more than 10.0 percent, and in grade U.S. No. 6 not more than 15.0 percent, of well milled rice, and the factor "color and milling requirements" shall be disregarded.

(2) *Grade designation.* Undermilled rice shall be graded and designated according to the special grade requirements for undermilled rice and to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Undermilled."

(b) *Parboiled milled rice*—(1) *Requirements.* Parboiled milled rice shall be milled rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice. Parboiled milled rice in grades U.S. Nos. 1 to 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled milled rice that have ungelatinized areas; and parboiled milled rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and in grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled milled rice. Samples illustrating the acceptable levels for "Parboiled Light," "Parboiled," and "Parboiled Dark" will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

(2) *Grade designation.* Parboiled milled rice shall be graded and designated according to the special grade requirements for parboiled milled rice and to the grade requirements of the standards otherwise applicable to such milled rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the milled rice is not colored or is slightly colored by the parboiling treatment, the word "Parboiled" if the milled rice is distinctly but not materially colored by the parboiling treatment, and the words "Parboiled Dark" if the milled rice is materially colored by the parboiling treatment.

(c) *Coated milled rice*—(1) *Requirements.* Coated milled rice shall be milled rice which, in whole or in part, is coated with glucose and talc.

(2) *Grade designation.* Coated milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Coated."

(d) *Granulated Brewers milled rice*—(1) *Requirements.* Granulated Brewers milled rice shall be milled rice which has been crushed or granulated so that 95.0 percent or more will pass readily through a 5/64 round hole sieve, 70.0 percent or more will pass readily through a 4/64 round hole sieve, and not more than 15.0 percent will pass readily through a 2½/64 round hole sieve.

(2) *Grade designation.* Granulated Brewers milled rice shall be graded and designated according to the grade requirements of the standards for Brewers milled rice and there shall be added to and made a part of the grade designation the word "Granulated."

§ 68.333 Grade designations for Milled Rice.

The grade designation for milled rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of Mixed Milled Rice, the grade designation shall include also, following the name of the class, the name and approximate percentage of the whole kernels and broken kernels, separately, of the predominant class and of each other class of milled rice contained in the mixture.

The foregoing standards supersede the U.S. Standards for Rough Rice, Brown Rice, and Milled Rice, as amended effective January 3, 1966, and shall become effective January 1, 1968.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624. 29 F.R. 16210, as amended; 32 F.R. 11741)

Done at Washington, D.C., this 13th day of October 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-12365; Filed, Oct. 19, 1967; 8:45 a.m.]